

AMENDED IN ASSEMBLY AUGUST 4, 2016

AMENDED IN ASSEMBLY JUNE 2, 2016

AMENDED IN SENATE MARCH 29, 2016

**SENATE BILL**

**No. 974**

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**Introduced by Committee on Governance and Finance (Senators Hertzberg (Chair), Beall, Hernandez, Lara, Moorlach, Nguyen, and Pavley)**

February 8, 2016

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An act to amend Section 8770 of the Business and Professions Code, to amend Sections 6107, 8205, 8206, 8213, 8213.5, 8311, 15606.1, 40805, 53087.7, 53601, 65091, 65302, and 67661 of the Government Code, to amend Sections 5471, 5473, 5474, 5474.8, and 13822 of the Health and Safety Code, to amend Section 22161 of the Public Contract Code, to amend Sections 11005, 11005.3, 19201, and 19202 of the Revenue and Taxation Code, to amend Sections 2105, 36601, 36606, 36610, 36625, and 36670 of the Streets and Highways Code, and to amend Section 7.6 of, and to repeal Sections 7.3 and 8 of, the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 974, as amended, Committee on Governance and Finance. Local government: omnibus.

(1) The Professional Land Surveyors' Act, among other things, requires a county recorder to store and index records of survey, and to maintain both original maps and a printed set for public reference. That act specifically requires the county recorder to securely fasten a filed record of survey into a suitable book.

This bill would also authorize a county recorder to store records of survey in any other manner that will ensure the maps are kept together.

(2) Existing law prohibits a public entity from demanding a fee or compensation for, among other things, a certified copy of specified military records, and of public records to be used in a claim related to veterans' benefits, as specified. Existing law provides that a certified copy of these records may be made available only to the person who is the subject of the record, a family member or legal representative of that person, a county office that provides veterans' benefits services, or a federal official upon written request.

This bill would provide that a certified copy of these records may also be made available to a state or city office that provides veterans' benefits services upon written request of that office.

By expanding the duty of local officials to provide copies of military records, this bill would impose a state-mandated local program.

(3) Existing law authorizes the Secretary of State to appoint and commission notaries public, as provided. Existing law requires every person appointed a notary public, no later than 30 days after the beginning of the term prescribed in the commission, to file an official bond and an oath of office in the office of the county clerk of the county within which the person maintains a principal place of business.

This bill would require a person taking the oath of office before the county clerk to serve as a notary public to present identification documents meeting certain requirements specified in statute as satisfactory evidence of identity.

Existing law requires specified communications between the Secretary of State and notaries public to be made by certified mail. Existing law also specifies that, wherever any notice or communication required by laws to be mailed by registered mail to or by the state, the mailing of the notice by certified mail is deemed a sufficient compliance with that requirement.

This bill would authorize the use of any other means of physical delivery that provides a receipt for these communications.

(4) Existing law requires the State Board of Equalization to, among other things, prescribe rules and regulations to govern local boards of equalization and to prepare and issue instructions to assessors designed to promote uniformity throughout the state, as provided. Existing law requires that these duties, rules, regulations, and instructions include provisions for mobilehomes which are subject to local property taxation.

This bill would additionally require that these duties, rules, regulations, and instructions include provisions for floating homes which are subject to local property taxation.

(5) Existing law requires the officer of a local agency who has charge of financial records to furnish the Controller with a report of all the financial transactions of the local agency during the preceding fiscal year, as provided. Existing law requires the report to be furnished within 7 months after the close of each fiscal year.

Existing law designates the city clerk as the accounting officer of the city and requires him or her to maintain records reflecting the financial condition of the city. Existing law requires the city clerk to publish the report to the Controller once in a newspaper of general circulation, or cause copies of the statement to be posted in 3 public places designated by city ordinance if there is no newspaper of general circulation, within 120 days after the close of the fiscal year for which the report is compiled.

This bill would instead require the city clerk to publish or post the report consistent with the timelines established in statute for furnishing the report to the Controller.

(6) Existing law prohibits a city, including a charter city, county, or city and county, from enacting or enforcing any ordinance or regulation, other than certain reasonable restrictions, that prohibits the installation of drought tolerant landscaping, synthetic grass, or artificial turf on residential property, as specified. Existing law provides that this is an issue of statewide concern.

This bill would authorize a city, including a charter city, county, or city and county, to impose reasonable restrictions on the installation or design of synthetic grass or artificial turf within the dripline of a tree protected by local ordinance.

(7) Existing law authorizes the legislative body of a local agency having money in a sinking fund or money in its treasury not required for immediate needs to invest any portion of the money that it deems wise or expedient in specified securities and financial instruments. Existing law requires that certain of these instruments be rated at least “A” or “AA,” as applicable, by a nationally recognized statistical rating organization (NRSRO).

This bill would specify that these instruments must be in a ratings category of at least “A” or “AA,” as applicable, or its equivalent.

(8) The Planning and Zoning Law and the Subdivision Map Act require local governments to hold public hearings regarding various

land use actions contemplated by those governments. If public notice of the hearing is required, existing law requires that the notice be given in specified ways, including mailing at least 10 days before the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected, and to all owners of real property within 300 feet of the real property that is the subject of the hearing, as provided. Existing law requires that notice mailed to affected local agencies also be published in at least one newspaper of general circulation and posted in at least 3 public places, as provided.

This bill would instead require publication and posting of the notice that is required to be sent to the owners of real property within 300 feet of the real property that is the subject of the hearing.

By revising the duties of local government officials with respect to the mailing of specified notices of hearings on land use actions, this bill would impose a state-mandated local program.

The Planning and Zoning Law also requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic hazards, flooding, wildland and urban fires, and climate adaptation and resilience strategies. That law requires that the safety element be reviewed and updated, in the case of flooding and fire hazards, upon the next revision of the housing element after specified dates or, in the case of climate adaptation and resilience strategies, upon either the next revision of a local hazard mitigation plan after a specified date or on or before January 1, 2022, as applicable. That law also requires, after the initial revision of the safety element to address flooding, fires, and climate adaptation and resilience strategies, that for each subsequent revision the planning agency review and, if necessary, revise the safety element to identify new information that was not available during the previous revision of the safety element.

This bill would instead require a planning agency to review and revise the safety element to identify new information, as described above, only to address flooding and fires.

(9) The Fort Ord Reuse Authority Act establishes the Fort Ord Reuse Authority to prepare, adopt, finance, and implement a plan for the use and development of the territory previously occupied by the Fort Ord

military base in Monterey County. The act requires the authority to be governed by a 13-member board, as specified, and authorizes a representative designated by the Member of Congress from the 17th Congressional District, a representative designated by the Senator from the 15th Senate District, and a representative designated by the Assembly Member from the 27th Assembly District to serve as ex officio nonvoting members of the board.

This bill would instead authorize a representative designated by each of the Member of Congress, the Senator, and the Assembly Member that has the majority portion of Fort Ord in his or her district to serve as ex officio nonvoting members of the board.

(10) Existing law authorizes specified local entities, including cities, counties, special districts, and other authorized public corporations, to collect fees, tolls, rates, rentals, or other charges for water, sanitation, storm drainage, or sewerage system services and facilities and to fix fees or charges for the privilege of connecting to its sanitation or sewerage facilities and improvements constructed by the entity, as provided. Under existing law, a local entity may collect these charges on the property tax roll at the same time and in the same manner as its general property taxes. Under existing law, an entity may undertake these actions by enactment of an ordinance approved by a  $\frac{2}{3}$  vote of the members of the legislative body of the entity.

This bill would instead specify that the entity may undertake these actions by ordinance or resolution.

(11) The Fire Protection District Law of 1987 establishes a procedure for the formation of fire protection districts, as specified. That law provides that a district may be formed by adoption of a resolution of application by the legislative body of any county or city which contains territory proposed to be included in the district.

This bill would make a technical change to these provisions.

(12) Existing law, until January 1, 2025, authorizes the Department of General Services, the Department of Corrections and Rehabilitation, and certain local agencies to use the design-build procurement process for specified public works. Existing law defines “best value” design-build procurement by local-agencies purposes to mean a value determined by evaluation of objective criteria that may include, but are not limited to, price, features, functions, life-cycle costs, experience, and past performance.

This bill would modify that definition to have the objective criteria evaluation, instead relate to those specific criteria.

(13) The Vehicle License Fee Law establishes, in lieu of any ad valorem property tax upon vehicles, an annual license fee for any vehicle subject to registration in this state. Under existing law, the Controller was, until July 1, 2011, required to allocate vehicle license fee revenues in the Motor Vehicle License Fee Account in a specified order to, among others, each city that was incorporated before August 5, 2004. Existing law required the Controller to allocate these revenues in accordance with a specified formula based on, among other factors, the actual population, as defined, of the city. In the case of a city that incorporated on or after January 1, 1987, and before August 5, 2004, existing law also requires the Controller to determine the population of the city as provided based on, among other factors, the actual population, as defined, of the city.

This bill would make technical changes to these provisions.

(14) Under existing law, if an amount due under the Personal Income Tax Law or the Corporation Tax Law, or any amount that the Franchise Tax Board may collect as though it were a tax, is not paid, the board may file in the Office of the County Clerk of Sacramento County, or any other county, a certificate containing specified information about the amount owed and the taxpayer. Existing law requires the county clerk to immediately enter a judgment against the taxpayer in the amount set forth in the certificate.

This bill would instead require the Clerk of the Court to receive the certificate and enter the judgment.

(15) Existing law appropriates moneys in the Highway Users Tax Account for specified transportation purposes and provides for apportionment by the Controller of certain moneys, including revenues derived from taxes imposed by the Use Fuel Tax Law on the use of fuel, to cities and counties.

This bill would additionally specify that apportionment according to the above-described formula includes revenues derived from taxes imposed on the use of liquefied petroleum and natural gas pursuant to the Use Fuel Tax Law.

(16) The Property and Business Improvement District Law of 1994 authorizes cities, counties, cities and counties, and certain joint powers authorities to establish, pursuant to specified procedures, a parking and business improvement district to impose benefit assessments or charges on businesses in the district to fund specified improvements and activities. That law defines “activities” to include services provided for

the purpose of conferring special benefit upon assessed businesses and real property located in the district.

This bill would instead define “activities” to include services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

The Property and Business Improvement District Law of 1994 prohibits the use of revenue from the levy of assessments within a district to provide improvements, maintenance, or activities outside the district.

This bill would allow the provision of certain improvements and activities that must be provided outside the district boundaries to create a special or specific benefit to the assessed parcels or businesses. The bill would limit the improvements and activities to be offered outside the district boundaries to marketing or signage pointing to the district.

This bill would make various technical and conforming changes to the Property and Business Improvement District Law of 1994.

(17) The Kern County Water Agency Act creates the Kern County Water Agency, consisting of all the territory lying within the exterior boundaries of the County of Kern, and specifies its powers. The act authorizes the board of directors of the agency to employ the county counsel as the attorney for the agency and the county surveyor to supervise the engineering work of the agency, as prescribed. The act requires all other officers of the county to perform the same duties for the agency as performed for the county.

This bill would repeal these provisions relating to county employees.

The act prohibits, unless previously approved by the county board of supervisors, the levying of a tax or assessment, or the creation of a zone of benefit. The act also prohibits, unless previously approved in the form of a budget by the county board of supervisors, an expenditure of funds.

This bill would repeal these provisions requiring county board of supervisor approval.

(18) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) This act shall be known, and may be cited,  
2 as the Local Government Omnibus Act of 2016.

3 (b) The Legislature finds and declares that Californians want  
4 their governments to be run efficiently and economically and that  
5 public officials should avoid waste and duplication whenever  
6 possible. The Legislature further finds and declares that it desires  
7 to control its own costs by reducing the number of separate bills.  
8 Therefore, it is the intent of the Legislature in enacting this act to  
9 combine several minor, noncontroversial statutory changes relating  
10 to the common theme, purpose, and subject of local government  
11 into a single measure.

12 SEC. 2. Section 8770 of the Business and Professions Code is  
13 amended to read:

14 8770. The record of survey filed with the county recorder of  
15 any county shall be securely fastened by the county recorder into  
16 a suitable book provided for that purpose, or stored in any other  
17 manner that will ensure that the maps will be kept together.

18 The county recorder shall keep proper indexes of such record  
19 of survey by the name of grant, tract, subdivision, or United States  
20 subdivision.

21 The original map shall be stored for safekeeping in a reproducible  
22 condition. It shall be proper procedure for the recorder to maintain  
23 for public reference a set of counter maps that are prints of the  
24 original maps, and the original maps to be produced for comparison  
25 upon demand.

26 SEC. 3. Section 6107 of the Government Code is amended to  
27 read:

28 6107. (a) A public entity, including the state, a county, city,  
29 or other political subdivision, or any officer or employee thereof,  
30 including notaries public, shall not demand or receive any fee or  
31 compensation for doing any of the following:

32 (1) Recording, indexing, or issuing certified copies of any  
33 discharge, certificate of service, certificate of satisfactory service,  
34 notice of separation, or report of separation of any member of the  
35 Armed Forces of the United States.

1 (2) Furnishing a certified copy of, or searching for, any public  
2 record that is to be used in an application or claim for a pension,  
3 allotment, allowance, compensation, insurance (including automatic  
4 insurance), or any other benefits under any act of Congress for  
5 service in the Armed Forces of the United States or under any law  
6 of this state relating to veterans' benefits.

7 (3) Furnishing a certified copy of, or searching for, any public  
8 record that is required by the Veterans Administration to be used  
9 in determining the eligibility of any person to participate in benefits  
10 made available by the Veterans Administration.

11 (4) Rendering any other service in connection with an  
12 application or claim referred to in paragraph (2) or (3).

13 (b) A certified copy of any record referred to in subdivision (a)  
14 may be made available only to one of the following:

15 (1) The person who is the subject of the record upon presentation  
16 of proper photo identification.

17 (2) A family member or legal representative of the person who  
18 is the subject of the record upon presentation of proper photo  
19 identification and certification of their relationship to the subject  
20 of the record.

21 (3) A state, county, or city office that provides veterans' benefits  
22 services upon written request of that office.

23 (4) A United States official upon written request of that official.  
24 A public officer or employee is liable on his or her official bond  
25 for failure or refusal to render the services.

26 (c) (1) If the county recorder receives a written, faxed, or  
27 digitized image of a request for a certified copy of any discharge,  
28 certificate of service, certificate of satisfactory service, notice of  
29 separation, or report of separation of any member of the Armed  
30 Forces of the United States referred to in paragraph (1) of  
31 subdivision (a) that is accompanied by a notarized statement sworn  
32 under penalty of perjury, or a faxed copy or digitized image of a  
33 notarized statement sworn under penalty of perjury, that the  
34 requester meets one of the descriptions in subdivision (b), the  
35 county recorder may furnish a certified copy to the requester  
36 pursuant to this section.

37 (2) A faxed or digitized image of the notarized statement  
38 accompanying a faxed or digitized image of a request received  
39 pursuant to this subdivision for a certified copy of any discharge,  
40 certificate of service, certificate of satisfactory service, notice of

1 separation, or report of separation of any member of the Armed  
2 Forces of the United States shall be legible. If the notary's seal is  
3 not photographically reproducible, or does not show the name of  
4 the notary, the county of the notary's principal place of business,  
5 the notary's telephone number, the notary's registration number,  
6 and the notary's commission expiration date typed or printed in a  
7 manner that is photographically reproducible below, or immediately  
8 adjacent to, the notary's signature in the acknowledgment, the  
9 county recorder shall not provide the certified copy. If a request  
10 for a certified copy of any discharge, certificate of service,  
11 certificate of satisfactory service, notice of separation, or report  
12 of separation of any member of the Armed Forces of the United  
13 States is made in person, the official shall take a statement sworn  
14 under penalty of perjury that the requester is signing his or her  
15 own legal name and is an authorized person pursuant to subdivision  
16 (b), and that official may then furnish a certified copy to the  
17 applicant.

18 (3) For purposes of this subdivision, "digitized image" of a  
19 request means an image of an original paper request for a certified  
20 copy of any discharge, certificate of service, certificate of  
21 satisfactory service, notice of separation, or report of separation  
22 of any member of the Armed Forces of the United States.

23 SEC. 4. Section 8205 of the Government Code is amended to  
24 read:

25 8205. (a) It is the duty of a notary public, when requested:

26 (1) To demand acceptance and payment of foreign and inland  
27 bills of exchange, or promissory notes, to protest them for  
28 nonacceptance and nonpayment, and, with regard only to the  
29 nonacceptance or nonpayment of bills and notes, to exercise any  
30 other powers and duties that by the law of nations and according  
31 to commercial usages, or by the laws of any other state,  
32 government, or country, may be performed by a notary. This  
33 paragraph applies only to a notary public employed by a financial  
34 institution, during the course and scope of the notary's employment  
35 with the financial institution.

36 (2) To take the acknowledgment or proof of advance health care  
37 directives, powers of attorney, mortgages, deeds, grants, transfers,  
38 and other instruments of writing executed by any person, and to  
39 give a certificate of that proof or acknowledgment, endorsed on  
40 or attached to the instrument. The certificate shall be signed by

1 the notary public in the notary public's own handwriting. A notary  
2 public may not accept any acknowledgment or proof of any  
3 instrument that is incomplete.

4 (3) To take depositions and affidavits, and administer oaths and  
5 affirmations, in all matters incident to the duties of the office, or  
6 to be used before any court, judge, officer, or board. Any  
7 deposition, affidavit, oath, or affirmation shall be signed by the  
8 notary public in the notary public's own handwriting.

9 (4) To certify copies of powers of attorney under Section 4307  
10 of the Probate Code. The certification shall be signed by the notary  
11 public in the notary public's own handwriting.

12 (b) It shall further be the duty of a notary public, upon written  
13 request:

14 (1) To furnish to the Secretary of State certified copies of the  
15 notary's journal.

16 (2) To respond within 30 days of receiving written requests sent  
17 by certified mail or any other means of physical delivery that  
18 provides a receipt from the Secretary of State's office for  
19 information relating to official acts performed by the notary.

20 SEC. 5. Section 8206 of the Government Code is amended to  
21 read:

22 8206. (a) (1) A notary public shall keep one active sequential  
23 journal at a time, of all official acts performed as a notary public.  
24 The journal shall be kept in a locked and secured area, under the  
25 direct and exclusive control of the notary. Failure to secure the  
26 journal shall be cause for the Secretary of State to take  
27 administrative action against the commission held by the notary  
28 public pursuant to Section 8214.1.

29 (2) The journal shall be in addition to, and apart from, any copies  
30 of notarized documents that may be in the possession of the notary  
31 public and shall include all of the following:

32 (A) Date, time, and type of each official act.

33 (B) Character of every instrument sworn to, affirmed,  
34 acknowledged, or proved before the notary.

35 (C) The signature of each person whose signature is being  
36 notarized.

37 (D) A statement as to whether the identity of a person making  
38 an acknowledgment or taking an oath or affirmation was based on  
39 satisfactory evidence. If identity was established by satisfactory  
40 evidence pursuant to Section 1185 of the Civil Code, the journal

1 shall contain the signature of the credible witness swearing or  
2 affirming to the identity of the individual or the type of identifying  
3 document, the governmental agency issuing the document, the  
4 serial or identifying number of the document, and the date of issue  
5 or expiration of the document.

6 (E) If the identity of the person making the acknowledgment or  
7 taking the oath or affirmation was established by the oaths or  
8 affirmations of two credible witnesses whose identities are proven  
9 to the notary public by presentation of any document satisfying  
10 the requirements of paragraph (3) or (4) of subdivision (b) of  
11 Section 1185 of the Civil Code, the notary public shall record in  
12 the journal the type of documents identifying the witnesses, the  
13 identifying numbers on the documents identifying the witnesses,  
14 and the dates of issuance or expiration of the documents identifying  
15 the witnesses.

16 (F) The fee charged for the notarial service.

17 (G) If the document to be notarized is a deed, quitclaim deed,  
18 deed of trust, or other document affecting real property, or a power  
19 of attorney document, the notary public shall require the party  
20 signing the document to place his or her right thumbprint in the  
21 journal. If the right thumbprint is not available, then the notary  
22 shall have the party use his or her left thumb, or any available  
23 finger and shall so indicate in the journal. If the party signing the  
24 document is physically unable to provide a thumbprint or  
25 fingerprint, the notary shall so indicate in the journal and shall also  
26 provide an explanation of that physical condition. This paragraph  
27 shall not apply to a trustee's deed resulting from a decree of  
28 foreclosure or a nonjudicial foreclosure pursuant to Section 2924  
29 of the Civil Code, nor to a deed of reconveyance.

30 (b) If a sequential journal of official acts performed by a notary  
31 public is stolen, lost, misplaced, destroyed, damaged, or otherwise  
32 rendered unusable as a record of notarial acts and information, the  
33 notary public shall immediately notify the Secretary of State by  
34 certified or registered mail or any other means of physical delivery  
35 that provides a receipt. The notification shall include the period  
36 of the journal entries, the notary public commission number, and  
37 the expiration date of the commission, and when applicable, a  
38 photocopy of any police report that specifies the theft of the  
39 sequential journal of official acts.

1 (c) Upon written request of any member of the public, which  
2 request shall include the name of the parties, the type of document,  
3 and the month and year in which notarized, the notary shall supply  
4 a photostatic copy of the line item representing the requested  
5 transaction at a cost of not more than thirty cents (\$0.30) per page.

6 (d) The journal of notarial acts of a notary public is the exclusive  
7 property of that notary public, and shall not be surrendered to an  
8 employer upon termination of employment, whether or not the  
9 employer paid for the journal, or at any other time. The notary  
10 public shall not surrender the journal to any other person, except  
11 the county clerk, pursuant to Section 8209, or immediately, or if  
12 the journal is not present then as soon as possible, upon request to  
13 a peace officer investigating a criminal offense who has reasonable  
14 suspicion to believe the journal contains evidence of a criminal  
15 offense, as defined in Sections 830.1, 830.2, and 830.3 of the Penal  
16 Code, acting in his or her official capacity and within his or her  
17 authority. If the peace officer seizes the notary journal, he or she  
18 must have probable cause as required by the laws of this state and  
19 the United States. A peace officer or law enforcement agency that  
20 seizes a notary journal shall notify the Secretary of State by  
21 facsimile within 24 hours, or as soon as possible thereafter, of the  
22 name of the notary public whose journal has been seized. The  
23 notary public shall obtain a receipt for the journal, and shall notify  
24 the Secretary of State by certified mail any other means of physical  
25 delivery that provides a receipt within 10 days that the journal was  
26 relinquished to a peace officer. The notification shall include the  
27 period of the journal entries, the commission number of the notary  
28 public, the expiration date of the commission, and a photocopy of  
29 the receipt. The notary public shall obtain a new sequential journal.  
30 If the journal relinquished to a peace officer is returned to the  
31 notary public and a new journal has been obtained, the notary  
32 public shall make no new entries in the returned journal. A notary  
33 public who is an employee shall permit inspection and copying of  
34 journal transactions by a duly designated auditor or agent of the  
35 notary public's employer, provided that the inspection and copying  
36 is done in the presence of the notary public and the transactions  
37 are directly associated with the business purposes of the employer.  
38 The notary public, upon the request of the employer, shall regularly  
39 provide copies of all transactions that are directly associated with  
40 the business purposes of the employer, but shall not be required

1 to provide copies of any transaction that is unrelated to the  
2 employer's business. Confidentiality and safekeeping of any copies  
3 of the journal provided to the employer shall be the responsibility  
4 of that employer.

5 (e) The notary public shall provide the journal for examination  
6 and copying in the presence of the notary public upon receipt of  
7 a subpoena duces tecum or a court order, and shall certify those  
8 copies if requested.

9 (f) Any applicable requirements of, or exceptions to, state and  
10 federal law shall apply to a peace officer engaged in the search or  
11 seizure of a sequential journal.

12 SEC. 6. Section 8213 of the Government Code is amended to  
13 read:

14 8213. (a) No later than 30 days after the beginning of the term  
15 prescribed in the commission, every person appointed a notary  
16 public shall file an official bond and an oath of office in the office  
17 of the county clerk of the county within which the person maintains  
18 a principal place of business as shown in the application submitted  
19 to the Secretary of State, and the commission shall not take effect  
20 unless this is done within the 30-day period. A person appointed  
21 to be a notary public shall take and subscribe the oath of office  
22 either in the office of that county clerk or before another notary  
23 public in that county. If the oath of office is taken and subscribed  
24 before the county clerk, the person appointed to be a notary public  
25 shall present an identification document meeting the requirements  
26 of subparagraph (A) or (B) of paragraph (3), or of subparagraph  
27 (A) or (E) or paragraph (4), of subdivision (b) of Section 1185 of  
28 the Civil Code to the county clerk as satisfactory evidence of  
29 identity. If the oath of office is taken and subscribed before a notary  
30 public, the oath and bond may be filed with the county clerk by  
31 certified mail or any other means of physical delivery that provides  
32 a receipt. Upon the filing of the oath and bond, the county clerk  
33 shall immediately transmit to the Secretary of State a certificate  
34 setting forth the fact of the filing and containing a copy of the  
35 official oath, personally signed by the notary public in the form  
36 set forth in the commission and shall immediately deliver the bond  
37 to the county recorder for recording. The county clerk shall retain  
38 the oath of office for one year following the expiration of the term  
39 of the commission for which the oath was taken, after which the  
40 oath may be destroyed or otherwise disposed of. The copy of the

1 oath, personally signed by the notary public, on file with the  
2 Secretary of State may at any time be read in evidence with like  
3 effect as the original oath, without further proof.

4 (b) If a notary public transfers the principal place of business  
5 from one county to another, the notary public may file a new oath  
6 of office and bond, or a duplicate of the original bond with the  
7 county clerk to which the principal place of business was  
8 transferred. If the notary public elects to make a new filing, the  
9 notary public shall, within 30 days of the filing, obtain an official  
10 seal which shall include the name of the county to which the notary  
11 public has transferred. In a case where the notary public elects to  
12 make a new filing, the same filing and recording fees are applicable  
13 as in the case of the original filing and recording of the bond.

14 (c) If a notary public submits an application for a name change  
15 to the Secretary of State, the notary public shall, within 30 days  
16 from the date an amended commission is issued, file a new oath  
17 of office and an amendment to the bond with the county clerk in  
18 which the principal place of business is located. The amended  
19 commission with the name change shall not take effect unless the  
20 filing is completed within the 30-day period. The amended  
21 commission with the name change takes effect the date the oath  
22 and amendment to the bond is filed with the county clerk. If the  
23 principal place of business address was changed in the application  
24 for name change, either a new or duplicate of the original bond  
25 shall be filed with the county clerk with the amendment to the  
26 bond. The notary public shall, within 30 days of the filing, obtain  
27 an official seal that includes the name of the notary public and the  
28 name of the county to which the notary public has transferred, if  
29 applicable.

30 (d) The recording fee specified in Section 27361 of the  
31 Government Code shall be paid by the person appointed a notary  
32 public. The fee may be paid to the county clerk who shall transmit  
33 it to the county recorder.

34 (e) The county recorder shall record the bond and shall thereafter  
35 mail, unless specified to the contrary, it to the person named in the  
36 instrument and, if no person is named, to the party leaving it for  
37 recording.

38 SEC. 7. Section 8213.5 of the Government Code is amended  
39 to read:

1     8213.5. A notary public shall notify the Secretary of State by  
2 certified mail or any other means of physical delivery that provides  
3 a receipt within 30 days as to any change in the location or address  
4 of the principal place of business or residence. A notary public  
5 shall not use a commercial mail receiving agency or post office  
6 box as his or her principal place of business or residence, unless  
7 the notary public also provides the Secretary of State with a  
8 physical street address as the principal place of residence. Willful  
9 failure to notify the Secretary of State of a change of address shall  
10 be punishable as an infraction by a fine of not more than five  
11 hundred dollars (\$500).

12     SEC. 8. Section 8311 of the Government Code is amended to  
13 read:

14     8311. Wherever any notice or other communication is required  
15 by any law to be mailed by registered mail to or by the state, or  
16 any officer or agency thereof, the mailing of such notice or other  
17 communication by certified mail or any other means of physical  
18 delivery that provides a receipt shall be deemed to be a sufficient  
19 compliance with the requirements of such law.

20     SEC. 9. Section 15606.1 of the Government Code is amended  
21 to read:

22     15606.1. The duties, rules, regulations, and instructions as  
23 specified in Section 15606 shall include provisions for  
24 mobilehomes and floating homes which are subject to local  
25 property taxation.

26     SEC. 10. Section 40805 of the Government Code is amended  
27 to read:

28     40805. The report shall be published or posted consistent with  
29 the timelines established in Section 53891 after the close of the  
30 fiscal year for which the report is compiled.

31     SEC. 11. Section 53087.7 of the Government Code is amended  
32 to read:

33     53087.7. (a) A city, including a charter city, county, or city  
34 and county, shall not enact any ordinance or regulation, or enforce  
35 any existing ordinance or regulation, that prohibits the installation  
36 of drought tolerant landscaping, synthetic grass, or artificial turf  
37 on residential property.

38     (b) A city, including a charter city, county, or city and county,  
39 may impose reasonable restrictions on the type of drought tolerant  
40 landscaping, synthetic grass, or artificial turf that may be installed

1 on residential property provided that those restrictions do not do  
2 any of the following:

3 (1) Substantially increase the cost of installing drought tolerant  
4 landscaping, synthetic grass, or artificial turf.

5 (2) Effectively prohibit the installation of drought tolerant  
6 landscaping, synthetic grass, or artificial turf.

7 (3) Significantly impede the installation of drought tolerant  
8 landscaping, including, but not limited to, a requirement that a  
9 residential yard must be completely covered with living plant  
10 material.

11 (c) A city, including a charter city, county, or city and county,  
12 may impose reasonable restrictions on the installation or design  
13 of synthetic grass or artificial turf within the dripline of a tree  
14 protected by local ordinance.

15 SEC. 12. Section 53601 of the Government Code is amended  
16 to read:

17 53601. This section shall apply to a local agency that is a city,  
18 a district, or other local agency that does not pool money in  
19 deposits or investments with other local agencies, other than local  
20 agencies that have the same governing body. However, Section  
21 53635 shall apply to all local agencies that pool money in deposits  
22 or investments with other local agencies that have separate  
23 governing bodies. The legislative body of a local agency having  
24 moneys in a sinking fund or moneys in its treasury not required  
25 for the immediate needs of the local agency may invest any portion  
26 of the moneys that it deems wise or expedient in those investments  
27 set forth below. A local agency purchasing or obtaining any  
28 securities prescribed in this section, in a negotiable, bearer,  
29 registered, or nonregistered format, shall require delivery of the  
30 securities to the local agency, including those purchased for the  
31 agency by financial advisers, consultants, or managers using the  
32 agency's funds, by book entry, physical delivery, or by third-party  
33 custodial agreement. The transfer of securities to the counterparty  
34 bank's customer book entry account may be used for book entry  
35 delivery.

36 For purposes of this section, "counterparty" means the other  
37 party to the transaction. A counterparty bank's trust department  
38 or separate safekeeping department may be used for the physical  
39 delivery of the security if the security is held in the name of the  
40 local agency. Where this section specifies a percentage limitation

1 for a particular category of investment, that percentage is applicable  
2 only at the date of purchase. Where this section does not specify  
3 a limitation on the term or remaining maturity at the time of the  
4 investment, no investment shall be made in any security, other  
5 than a security underlying a repurchase or reverse repurchase  
6 agreement or securities lending agreement authorized by this  
7 section, that at the time of the investment has a term remaining to  
8 maturity in excess of five years, unless the legislative body has  
9 granted express authority to make that investment either  
10 specifically or as a part of an investment program approved by the  
11 legislative body no less than three months prior to the investment:

12 (a) Bonds issued by the local agency, including bonds payable  
13 solely out of the revenues from a revenue-producing property  
14 owned, controlled, or operated by the local agency or by a  
15 department, board, agency, or authority of the local agency.

16 (b) United States Treasury notes, bonds, bills, or certificates of  
17 indebtedness, or those for which the faith and credit of the United  
18 States are pledged for the payment of principal and interest.

19 (c) Registered state warrants or treasury notes or bonds of this  
20 state, including bonds payable solely out of the revenues from a  
21 revenue-producing property owned, controlled, or operated by the  
22 state or by a department, board, agency, or authority of the state.

23 (d) Registered treasury notes or bonds of any of the other 49  
24 states in addition to California, including bonds payable solely out  
25 of the revenues from a revenue-producing property owned,  
26 controlled, or operated by a state or by a department, board, agency,  
27 or authority of any of the other 49 states, in addition to California.

28 (e) Bonds, notes, warrants, or other evidences of indebtedness  
29 of a local agency within this state, including bonds payable solely  
30 out of the revenues from a revenue-producing property owned,  
31 controlled, or operated by the local agency, or by a department,  
32 board, agency, or authority of the local agency.

33 (f) Federal agency or United States government-sponsored  
34 enterprise obligations, participations, or other instruments,  
35 including those issued by or fully guaranteed as to principal and  
36 interest by federal agencies or United States government-sponsored  
37 enterprises.

38 (g) Bankers' acceptances otherwise known as bills of exchange  
39 or time drafts that are drawn on and accepted by a commercial  
40 bank. Purchases of bankers' acceptances shall not exceed 180

1 days' maturity or 40 percent of the agency's moneys that may be  
2 invested pursuant to this section. However, no more than 30 percent  
3 of the agency's moneys may be invested in the bankers'  
4 acceptances of any one commercial bank pursuant to this section.

5 This subdivision does not preclude a municipal utility district  
6 from investing moneys in its treasury in a manner authorized by  
7 the Municipal Utility District Act (Division 6 (commencing with  
8 Section 11501) of the Public Utilities Code).

9 (h) Commercial paper of "prime" quality of the highest ranking  
10 or of the highest letter and number rating as provided for by a  
11 nationally recognized statistical rating organization (NRSRO).  
12 The entity that issues the commercial paper shall meet all of the  
13 following conditions in either paragraph (1) or (2):

14 (1) The entity meets the following criteria:

15 (A) Is organized and operating in the United States as a general  
16 corporation.

17 (B) Has total assets in excess of five hundred million dollars  
18 (\$500,000,000).

19 (C) Has debt other than commercial paper, if any, that is rated  
20 in a rating category of "A" or its equivalent or higher by an  
21 NRSRO.

22 (2) The entity meets the following criteria:

23 (A) Is organized within the United States as a special purpose  
24 corporation, trust, or limited liability company.

25 (B) Has programwide credit enhancements including, but not  
26 limited to, overcollateralization, letters of credit, or a surety bond.

27 (C) Has commercial paper that is rated "A-1" or higher, or the  
28 equivalent, by an NRSRO.

29 Eligible commercial paper shall have a maximum maturity of  
30 270 days or less. Local agencies, other than counties or a city and  
31 county, may invest no more than 25 percent of their moneys in  
32 eligible commercial paper. Local agencies, other than counties or  
33 a city and county, may purchase no more than 10 percent of the  
34 outstanding commercial paper of any single issuer. Counties or a  
35 city and county may invest in commercial paper pursuant to the  
36 concentration limits in subdivision (a) of Section 53635.

37 (i) Negotiable certificates of deposit issued by a nationally or  
38 state-chartered bank, a savings association or a federal association  
39 (as defined by Section 5102 of the Financial Code), a state or  
40 federal credit union, or by a federally licensed or state-licensed

1 branch of a foreign bank. Purchases of negotiable certificates of  
2 deposit shall not exceed 30 percent of the agency's moneys that  
3 may be invested pursuant to this section. For purposes of this  
4 section, negotiable certificates of deposit do not come within  
5 Article 2 (commencing with Section 53630), except that the amount  
6 so invested shall be subject to the limitations of Section 53638.  
7 The legislative body of a local agency and the treasurer or other  
8 official of the local agency having legal custody of the moneys  
9 are prohibited from investing local agency funds, or funds in the  
10 custody of the local agency, in negotiable certificates of deposit  
11 issued by a state or federal credit union if a member of the  
12 legislative body of the local agency, or a person with investment  
13 decisionmaking authority in the administrative office manager's  
14 office, budget office, auditor-controller's office, or treasurer's  
15 office of the local agency also serves on the board of directors, or  
16 any committee appointed by the board of directors, or the credit  
17 committee or the supervisory committee of the state or federal  
18 credit union issuing the negotiable certificates of deposit.

19 (j) (1) Investments in repurchase agreements or reverse  
20 repurchase agreements or securities lending agreements of  
21 securities authorized by this section, as long as the agreements are  
22 subject to this subdivision, including the delivery requirements  
23 specified in this section.

24 (2) Investments in repurchase agreements may be made, on an  
25 investment authorized in this section, when the term of the  
26 agreement does not exceed one year. The market value of securities  
27 that underlie a repurchase agreement shall be valued at 102 percent  
28 or greater of the funds borrowed against those securities and the  
29 value shall be adjusted no less than quarterly. Since the market  
30 value of the underlying securities is subject to daily market  
31 fluctuations, the investments in repurchase agreements shall be in  
32 compliance if the value of the underlying securities is brought back  
33 up to 102 percent no later than the next business day.

34 (3) Reverse repurchase agreements or securities lending  
35 agreements may be utilized only when all of the following  
36 conditions are met:

37 (A) The security to be sold using a reverse repurchase agreement  
38 or securities lending agreement has been owned and fully paid for  
39 by the local agency for a minimum of 30 days prior to sale.

1 (B) The total of all reverse repurchase agreements and securities  
2 lending agreements on investments owned by the local agency  
3 does not exceed 20 percent of the base value of the portfolio.

4 (C) The agreement does not exceed a term of 92 days, unless  
5 the agreement includes a written codicil guaranteeing a minimum  
6 earning or spread for the entire period between the sale of a security  
7 using a reverse repurchase agreement or securities lending  
8 agreement and the final maturity date of the same security.

9 (D) Funds obtained or funds within the pool of an equivalent  
10 amount to that obtained from selling a security to a counterparty  
11 using a reverse repurchase agreement or securities lending  
12 agreement shall not be used to purchase another security with a  
13 maturity longer than 92 days from the initial settlement date of the  
14 reverse repurchase agreement or securities lending agreement,  
15 unless the reverse repurchase agreement or securities lending  
16 agreement includes a written codicil guaranteeing a minimum  
17 earning or spread for the entire period between the sale of a security  
18 using a reverse repurchase agreement or securities lending  
19 agreement and the final maturity date of the same security.

20 (4) (A) Investments in reverse repurchase agreements, securities  
21 lending agreements, or similar investments in which the local  
22 agency sells securities prior to purchase with a simultaneous  
23 agreement to repurchase the security may be made only upon prior  
24 approval of the governing body of the local agency and shall be  
25 made only with primary dealers of the Federal Reserve Bank of  
26 New York or with a nationally or state-chartered bank that has or  
27 has had a significant banking relationship with a local agency.

28 (B) For purposes of this chapter, “significant banking  
29 relationship” means any of the following activities of a bank:

30 (i) Involvement in the creation, sale, purchase, or retirement of  
31 a local agency’s bonds, warrants, notes, or other evidence of  
32 indebtedness.

33 (ii) Financing of a local agency’s activities.

34 (iii) Acceptance of a local agency’s securities or funds as  
35 deposits.

36 (5) (A) “Repurchase agreement” means a purchase of securities  
37 by the local agency pursuant to an agreement by which the  
38 counterparty seller will repurchase the securities on or before a  
39 specified date and for a specified amount and the counterparty will  
40 deliver the underlying securities to the local agency by book entry,

1 physical delivery, or by third-party custodial agreement. The  
2 transfer of underlying securities to the counterparty bank's  
3 customer book-entry account may be used for book-entry delivery.

4 (B) "Securities," for purposes of repurchase under this  
5 subdivision, means securities of the same issuer, description, issue  
6 date, and maturity.

7 (C) "Reverse repurchase agreement" means a sale of securities  
8 by the local agency pursuant to an agreement by which the local  
9 agency will repurchase the securities on or before a specified date  
10 and includes other comparable agreements.

11 (D) "Securities lending agreement" means an agreement under  
12 which a local agency agrees to transfer securities to a borrower  
13 who, in turn, agrees to provide collateral to the local agency.  
14 During the term of the agreement, both the securities and the  
15 collateral are held by a third party. At the conclusion of the  
16 agreement, the securities are transferred back to the local agency  
17 in return for the collateral.

18 (E) For purposes of this section, the base value of the local  
19 agency's pool portfolio shall be that dollar amount obtained by  
20 totaling all cash balances placed in the pool by all pool participants,  
21 excluding any amounts obtained through selling securities by way  
22 of reverse repurchase agreements, securities lending agreements,  
23 or other similar borrowing methods.

24 (F) For purposes of this section, the spread is the difference  
25 between the cost of funds obtained using the reverse repurchase  
26 agreement and the earnings obtained on the reinvestment of the  
27 funds.

28 (k) Medium-term notes, defined as all corporate and depository  
29 institution debt securities with a maximum remaining maturity of  
30 five years or less, issued by corporations organized and operating  
31 within the United States or by depository institutions licensed by  
32 the United States or any state and operating within the United  
33 States. Notes eligible for investment under this subdivision shall  
34 be rated in a rating category of "A" or its equivalent or better by  
35 an NRSRO. Purchases of medium-term notes shall not include  
36 other instruments authorized by this section and shall not exceed  
37 30 percent of the agency's moneys that may be invested pursuant  
38 to this section.

39 (l) (1) Shares of beneficial interest issued by diversified  
40 management companies that invest in the securities and obligations

1 as authorized by subdivisions (a) to (k), inclusive, and subdivisions  
2 (m) to (q), inclusive, and that comply with the investment  
3 restrictions of this article and Article 2 (commencing with Section  
4 53630). However, notwithstanding these restrictions, a counterparty  
5 to a reverse repurchase agreement or securities lending agreement  
6 is not required to be a primary dealer of the Federal Reserve Bank  
7 of New York if the company's board of directors finds that the  
8 counterparty presents a minimal risk of default, and the value of  
9 the securities underlying a repurchase agreement or securities  
10 lending agreement may be 100 percent of the sales price if the  
11 securities are marked to market daily.

12 (2) Shares of beneficial interest issued by diversified  
13 management companies that are money market funds registered  
14 with the Securities and Exchange Commission under the  
15 Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.).

16 (3) If investment is in shares issued pursuant to paragraph (1),  
17 the company shall have met either of the following criteria:

18 (A) Attained the highest ranking or the highest letter and  
19 numerical rating provided by not less than two NRSROs.

20 (B) Retained an investment adviser registered or exempt from  
21 registration with the Securities and Exchange Commission with  
22 not less than five years' experience investing in the securities and  
23 obligations authorized by subdivisions (a) to (k), inclusive, and  
24 subdivisions (m) to (q), inclusive, and with assets under  
25 management in excess of five hundred million dollars  
26 (\$500,000,000).

27 (4) If investment is in shares issued pursuant to paragraph (2),  
28 the company shall have met either of the following criteria:

29 (A) Attained the highest ranking or the highest letter and  
30 numerical rating provided by not less than two NRSROs.

31 (B) Retained an investment adviser registered or exempt from  
32 registration with the Securities and Exchange Commission with  
33 not less than five years' experience managing money market  
34 mutual funds with assets under management in excess of five  
35 hundred million dollars (\$500,000,000).

36 (5) The purchase price of shares of beneficial interest purchased  
37 pursuant to this subdivision shall not include commission that the  
38 companies may charge and shall not exceed 20 percent of the  
39 agency's moneys that may be invested pursuant to this section.  
40 However, no more than 10 percent of the agency's funds may be

1 invested in shares of beneficial interest of any one mutual fund  
2 pursuant to paragraph (1).

3 (m) Moneys held by a trustee or fiscal agent and pledged to the  
4 payment or security of bonds or other indebtedness, or obligations  
5 under a lease, installment sale, or other agreement of a local  
6 agency, or certificates of participation in those bonds, indebtedness,  
7 or lease installment sale, or other agreements, may be invested in  
8 accordance with the statutory provisions governing the issuance  
9 of those bonds, indebtedness, or lease installment sale, or other  
10 agreement, or to the extent not inconsistent therewith or if there  
11 are no specific statutory provisions, in accordance with the  
12 ordinance, resolution, indenture, or agreement of the local agency  
13 providing for the issuance.

14 (n) Notes, bonds, or other obligations that are at all times secured  
15 by a valid first priority security interest in securities of the types  
16 listed by Section 53651 as eligible securities for the purpose of  
17 securing local agency deposits having a market value at least equal  
18 to that required by Section 53652 for the purpose of securing local  
19 agency deposits. The securities serving as collateral shall be placed  
20 by delivery or book entry into the custody of a trust company or  
21 the trust department of a bank that is not affiliated with the issuer  
22 of the secured obligation, and the security interest shall be perfected  
23 in accordance with the requirements of the Uniform Commercial  
24 Code or federal regulations applicable to the types of securities in  
25 which the security interest is granted.

26 (o) A mortgage passthrough security, collateralized mortgage  
27 obligation, mortgage-backed or other pay-through bond, equipment  
28 lease-backed certificate, consumer receivable passthrough  
29 certificate, or consumer receivable-backed bond of a maximum of  
30 five years' maturity. Securities eligible for investment under this  
31 subdivision shall be issued by an issuer rated in a rating category  
32 of "A" or its equivalent or better for the issuer's debt as provided  
33 by an NRSRO and rated in a rating category of "AA" or its  
34 equivalent or better by an NRSRO. Purchase of securities  
35 authorized by this subdivision shall not exceed 20 percent of the  
36 agency's surplus moneys that may be invested pursuant to this  
37 section.

38 (p) Shares of beneficial interest issued by a joint powers  
39 authority organized pursuant to Section 6509.7 that invests in the  
40 securities and obligations authorized in subdivisions (a) to (q),

1 inclusive. Each share shall represent an equal proportional interest  
2 in the underlying pool of securities owned by the joint powers  
3 authority. To be eligible under this section, the joint powers  
4 authority issuing the shares shall have retained an investment  
5 adviser that meets all of the following criteria:

6 (1) The adviser is registered or exempt from registration with  
7 the Securities and Exchange Commission.

8 (2) The adviser has not less than five years of experience  
9 investing in the securities and obligations authorized in  
10 subdivisions (a) to (q), inclusive.

11 (3) The adviser has assets under management in excess of five  
12 hundred million dollars (\$500,000,000).

13 (q) United States dollar denominated senior unsecured  
14 unsubordinated obligations issued or unconditionally guaranteed  
15 by the International Bank for Reconstruction and Development,  
16 International Finance Corporation, or Inter-American Development  
17 Bank, with a maximum remaining maturity of five years or less,  
18 and eligible for purchase and sale within the United States.  
19 Investments under this subdivision shall be rated in a rating  
20 category of “AA” or its equivalent or better by an NRSRO and  
21 shall not exceed 30 percent of the agency’s moneys that may be  
22 invested pursuant to this section.

23 SEC. 13. Section 65091 of the Government Code is amended  
24 to read:

25 65091. (a) When a provision of this title requires notice of a  
26 public hearing to be given pursuant to this section, notice shall be  
27 given in all of the following ways:

28 (1) Notice of the hearing shall be mailed or delivered at least  
29 10 days prior to the hearing to the owner of the subject real  
30 property as shown on the latest equalized assessment roll. Instead  
31 of using the assessment roll, the local agency may use records of  
32 the county assessor or tax collector if those records contain more  
33 recent information than the information contained on the  
34 assessment roll. Notice shall also be mailed to the owner’s duly  
35 authorized agent, if any, and to the project applicant.

36 (2) When the Subdivision Map Act Division 2 (commencing  
37 with Section 66410) of Title 7 requires notice of a public hearing  
38 to be given pursuant to this section, notice shall also be given to  
39 any owner of a mineral right pertaining to the subject real property

1 who has recorded a notice of intent to preserve the mineral right  
2 pursuant to Section 883.230 of the Civil Code.

3 (3) Notice of the hearing shall be mailed or delivered at least  
4 10 days prior to the hearing to each local agency expected to  
5 provide water, sewage, streets, roads, schools, or other essential  
6 facilities or services to the project, whose ability to provide those  
7 facilities and services may be significantly affected.

8 (4) Notice of the hearing shall be mailed or delivered at least  
9 10 days prior to the hearing to all owners of real property as shown  
10 on the latest equalized assessment roll within 300 feet of the real  
11 property that is the subject of the hearing. In lieu of using the  
12 assessment roll, the local agency may use records of the county  
13 assessor or tax collector which contain more recent information  
14 than the assessment roll. If the number of owners to whom notice  
15 would be mailed or delivered pursuant to this paragraph or  
16 paragraph (1) is greater than 1,000, a local agency, in lieu of mailed  
17 or delivered notice, may provide notice by placing a display  
18 advertisement of at least one-eighth page in at least one newspaper  
19 of general circulation within the local agency in which the  
20 proceeding is conducted at least 10 days prior to the hearing.

21 (5) If the notice is mailed or delivered pursuant to paragraph  
22 (4), the notice shall also either be:

23 (A) Published pursuant to Section 6061 in at least one newspaper  
24 of general circulation within the local agency which is conducting  
25 the proceeding at least 10 days prior to the hearing.

26 (B) Posted at least 10 days prior to the hearing in at least three  
27 public places within the boundaries of the local agency, including  
28 one public place in the area directly affected by the proceeding.

29 (b) The notice shall include the information specified in Section  
30 65094.

31 (c) In addition to the notice required by this section, a local  
32 agency may give notice of the hearing in any other manner it deems  
33 necessary or desirable.

34 (d) Whenever a hearing is held regarding a permit for a  
35 drive-through facility, or modification of an existing drive-through  
36 facility permit, the local agency shall incorporate, where necessary,  
37 notice procedures to the blind, aged, and disabled communities in  
38 order to facilitate their participation in any hearing on, or appeal  
39 of the denial of, a drive-through facility permit. The Legislature  
40 finds that access restrictions to commercial establishments affecting

1 the blind, aged, or disabled, is a critical statewide problem;  
2 therefore, this subdivision shall be applicable to charter cities.

3 SEC. 14. Section 65302 of the Government Code, as amended  
4 by Section 1 of Chapter 608 of the Statutes of 2015, is amended  
5 to read:

6 65302. The general plan shall consist of a statement of  
7 development policies and shall include a diagram or diagrams and  
8 text setting forth objectives, principles, standards, and plan  
9 proposals. The plan shall include the following elements:

10 (a) A land use element that designates the proposed general  
11 distribution and general location and extent of the uses of the land  
12 for housing, business, industry, open space, including agriculture,  
13 natural resources, recreation, and enjoyment of scenic beauty,  
14 education, public buildings and grounds, solid and liquid waste  
15 disposal facilities, and other categories of public and private uses  
16 of land. The location and designation of the extent of the uses of  
17 the land for public and private uses shall consider the identification  
18 of land and natural resources pursuant to paragraph (3) of  
19 subdivision (d). The land use element shall include a statement of  
20 the standards of population density and building intensity  
21 recommended for the various districts and other territory covered  
22 by the plan. The land use element shall identify and annually  
23 review those areas covered by the plan that are subject to flooding  
24 identified by flood plain mapping prepared by the Federal  
25 Emergency Management Agency (FEMA) or the Department of  
26 Water Resources. The land use element shall also do both of the  
27 following:

28 (1) Designate in a land use category that provides for timber  
29 production those parcels of real property zoned for timberland  
30 production pursuant to the California Timberland Productivity Act  
31 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1  
32 of Division 1 of Title 5).

33 (2) Consider the impact of new growth on military readiness  
34 activities carried out on military bases, installations, and operating  
35 and training areas, when proposing zoning ordinances or  
36 designating land uses covered by the general plan for land, or other  
37 territory adjacent to military facilities, or underlying designated  
38 military aviation routes and airspace.

39 (A) In determining the impact of new growth on military  
40 readiness activities, information provided by military facilities

1 shall be considered. Cities and counties shall address military  
2 impacts based on information from the military and other sources.

3 (B) The following definitions govern this paragraph:

4 (i) “Military readiness activities” mean all of the following:

5 (I) Training, support, and operations that prepare the men and  
6 women of the military for combat.

7 (II) Operation, maintenance, and security of any military  
8 installation.

9 (III) Testing of military equipment, vehicles, weapons, and  
10 sensors for proper operation or suitability for combat use.

11 (ii) “Military installation” means a base, camp, post, station,  
12 yard, center, homeport facility for any ship, or other activity under  
13 the jurisdiction of the United States Department of Defense as  
14 defined in paragraph (1) of subsection (g) of Section 2687 of Title  
15 10 of the United States Code.

16 (b) (1) A circulation element consisting of the general location  
17 and extent of existing and proposed major thoroughfares,  
18 transportation routes, terminals, any military airports and ports,  
19 and other local public utilities and facilities, all correlated with the  
20 land use element of the plan.

21 (2) (A) Commencing January 1, 2011, upon any substantive  
22 revision of the circulation element, the legislative body shall  
23 modify the circulation element to plan for a balanced, multimodal  
24 transportation network that meets the needs of all users of streets,  
25 roads, and highways for safe and convenient travel in a manner  
26 that is suitable to the rural, suburban, or urban context of the  
27 general plan.

28 (B) For purposes of this paragraph, “users of streets, roads, and  
29 highways” mean bicyclists, children, persons with disabilities,  
30 motorists, movers of commercial goods, pedestrians, users of public  
31 transportation, and seniors.

32 (c) A housing element as provided in Article 10.6 (commencing  
33 with Section 65580).

34 (d) (1) A conservation element for the conservation,  
35 development, and utilization of natural resources including water  
36 and its hydraulic force, forests, soils, rivers and other waters,  
37 harbors, fisheries, wildlife, minerals, and other natural resources.  
38 The conservation element shall consider the effect of development  
39 within the jurisdiction, as described in the land use element, on  
40 natural resources located on public lands, including military

1 installations. That portion of the conservation element including  
2 waters shall be developed in coordination with any countywide  
3 water agency and with all district and city agencies, including  
4 flood management, water conservation, or groundwater agencies  
5 that have developed, served, controlled, managed, or conserved  
6 water of any type for any purpose in the county or city for which  
7 the plan is prepared. Coordination shall include the discussion and  
8 evaluation of any water supply and demand information described  
9 in Section 65352.5, if that information has been submitted by the  
10 water agency to the city or county.

11 (2) The conservation element may also cover all of the  
12 following:

13 (A) The reclamation of land and waters.

14 (B) Prevention and control of the pollution of streams and other  
15 waters.

16 (C) Regulation of the use of land in stream channels and other  
17 areas required for the accomplishment of the conservation plan.

18 (D) Prevention, control, and correction of the erosion of soils,  
19 beaches, and shores.

20 (E) Protection of watersheds.

21 (F) The location, quantity and quality of the rock, sand, and  
22 gravel resources.

23 (3) Upon the next revision of the housing element on or after  
24 January 1, 2009, the conservation element shall identify rivers,  
25 creeks, streams, flood corridors, riparian habitats, and land that  
26 may accommodate floodwater for purposes of groundwater  
27 recharge and stormwater management.

28 (e) An open-space element as provided in Article 10.5  
29 (commencing with Section 65560).

30 (f) (1) A noise element that shall identify and appraise noise  
31 problems in the community. The noise element shall analyze and  
32 quantify, to the extent practicable, as determined by the legislative  
33 body, current and projected noise levels for all of the following  
34 sources:

35 (A) Highways and freeways.

36 (B) Primary arterials and major local streets.

37 (C) Passenger and freight online railroad operations and ground  
38 rapid transit systems.

39 (D) Commercial, general aviation, heliport, helistop, and military  
40 airport operations, aircraft overflights, jet engine test stands, and

1 all other ground facilities and maintenance functions related to  
2 airport operation.

3 (E) Local industrial plants, including, but not limited to, railroad  
4 classification yards.

5 (F) Other ground stationary noise sources, including, but not  
6 limited to, military installations, identified by local agencies as  
7 contributing to the community noise environment.

8 (2) Noise contours shall be shown for all of these sources and  
9 stated in terms of community noise equivalent level (CNEL) or  
10 day-night average sound level ( $L_{dn}$ ). The noise contours shall be  
11 prepared on the basis of noise monitoring or following generally  
12 accepted noise modeling techniques for the various sources  
13 identified in paragraphs (1) to (6), inclusive.

14 (3) The noise contours shall be used as a guide for establishing  
15 a pattern of land uses in the land use element that minimizes the  
16 exposure of community residents to excessive noise.

17 (4) The noise element shall include implementation measures  
18 and possible solutions that address existing and foreseeable noise  
19 problems, if any. The adopted noise element shall serve as a  
20 guideline for compliance with the state's noise insulation standards.

21 (g) (1) A safety element for the protection of the community  
22 from any unreasonable risks associated with the effects of  
23 seismically induced surface rupture, ground shaking, ground  
24 failure, tsunami, seiche, and dam failure; slope instability leading  
25 to mudslides and landslides; subsidence; liquefaction; and other  
26 seismic hazards identified pursuant to Chapter 7.8 (commencing  
27 with Section 2690) of Division 2 of the Public Resources Code,  
28 and other geologic hazards known to the legislative body; flooding;  
29 and wildland and urban fires. The safety element shall include  
30 mapping of known seismic and other geologic hazards. It shall  
31 also address evacuation routes, military installations, peakload  
32 water supply requirements, and minimum road widths and  
33 clearances around structures, as those items relate to identified fire  
34 and geologic hazards.

35 (2) The safety element, upon the next revision of the housing  
36 element on or after January 1, 2009, shall also do the following:

37 (A) Identify information regarding flood hazards, including,  
38 but not limited to, the following:

39 (i) Flood hazard zones. As used in this subdivision, "flood  
40 hazard zone" means an area subject to flooding that is delineated

1 as either a special hazard area or an area of moderate or minimal  
2 hazard on an official flood insurance rate map issued by the Federal  
3 Emergency Management Agency (FEMA). The identification of  
4 a flood hazard zone does not imply that areas outside the flood  
5 hazard zones or uses permitted within flood hazard zones will be  
6 free from flooding or flood damage.

7 (ii) National Flood Insurance Program maps published by  
8 FEMA.

9 (iii) Information about flood hazards that is available from the  
10 United States Army Corps of Engineers.

11 (iv) Designated floodway maps that are available from the  
12 Central Valley Flood Protection Board.

13 (v) Dam failure inundation maps prepared pursuant to Section  
14 8589.5 that are available from the Office of Emergency Services.

15 (vi) Awareness Floodplain Mapping Program maps and 200-year  
16 flood plain maps that are or may be available from, or accepted  
17 by, the Department of Water Resources.

18 (vii) Maps of levee protection zones.

19 (viii) Areas subject to inundation in the event of the failure of  
20 project or nonproject levees or floodwalls.

21 (ix) Historical data on flooding, including locally prepared maps  
22 of areas that are subject to flooding, areas that are vulnerable to  
23 flooding after wildfires, and sites that have been repeatedly  
24 damaged by flooding.

25 (x) Existing and planned development in flood hazard zones,  
26 including structures, roads, utilities, and essential public facilities.

27 (xi) Local, state, and federal agencies with responsibility for  
28 flood protection, including special districts and local offices of  
29 emergency services.

30 (B) Establish a set of comprehensive goals, policies, and  
31 objectives based on the information identified pursuant to  
32 subparagraph (A), for the protection of the community from the  
33 unreasonable risks of flooding, including, but not limited to:

34 (i) Avoiding or minimizing the risks of flooding to new  
35 development.

36 (ii) Evaluating whether new development should be located in  
37 flood hazard zones, and identifying construction methods or other  
38 methods to minimize damage if new development is located in  
39 flood hazard zones.

1 (iii) Maintaining the structural and operational integrity of  
2 essential public facilities during flooding.

3 (iv) Locating, when feasible, new essential public facilities  
4 outside of flood hazard zones, including hospitals and health care  
5 facilities, emergency shelters, fire stations, emergency command  
6 centers, and emergency communications facilities or identifying  
7 construction methods or other methods to minimize damage if  
8 these facilities are located in flood hazard zones.

9 (v) Establishing cooperative working relationships among public  
10 agencies with responsibility for flood protection.

11 (C) Establish a set of feasible implementation measures designed  
12 to carry out the goals, policies, and objectives established pursuant  
13 to subparagraph (B).

14 (3) Upon the next revision of the housing element on or after  
15 January 1, 2014, the safety element shall be reviewed and updated  
16 as necessary to address the risk of fire for land classified as state  
17 responsibility areas, as defined in Section 4102 of the Public  
18 Resources Code, and land classified as very high fire hazard  
19 severity zones, as defined in Section 51177. This review shall  
20 consider the advice included in the Office of Planning and  
21 Research's most recent publication of "Fire Hazard Planning,  
22 General Plan Technical Advice Series" and shall also include all  
23 of the following:

24 (A) Information regarding fire hazards, including, but not limited  
25 to, all of the following:

26 (i) Fire hazard severity zone maps available from the Department  
27 of Forestry and Fire Protection.

28 (ii) Any historical data on wildfires available from local agencies  
29 or a reference to where the data can be found.

30 (iii) Information about wildfire hazard areas that may be  
31 available from the United States Geological Survey.

32 (iv) General location and distribution of existing and planned  
33 uses of land in very high fire hazard severity zones and in state  
34 responsibility areas, including structures, roads, utilities, and  
35 essential public facilities. The location and distribution of planned  
36 uses of land shall not require defensible space compliance measures  
37 required by state law or local ordinance to occur on publicly owned  
38 lands or open space designations of homeowner associations.

1 (v) Local, state, and federal agencies with responsibility for fire  
2 protection, including special districts and local offices of  
3 emergency services.

4 (B) A set of goals, policies, and objectives based on the  
5 information identified pursuant to subparagraph (A) for the  
6 protection of the community from the unreasonable risk of wildfire.

7 (C) A set of feasible implementation measures designed to carry  
8 out the goals, policies, and objectives based on the information  
9 identified pursuant to subparagraph (B) including, but not limited  
10 to, all of the following:

11 (i) Avoiding or minimizing the wildfire hazards associated with  
12 new uses of land.

13 (ii) Locating, when feasible, new essential public facilities  
14 outside of high fire risk areas, including, but not limited to,  
15 hospitals and health care facilities, emergency shelters, emergency  
16 command centers, and emergency communications facilities, or  
17 identifying construction methods or other methods to minimize  
18 damage if these facilities are located in a state responsibility area  
19 or very high fire hazard severity zone.

20 (iii) Designing adequate infrastructure if a new development is  
21 located in a state responsibility area or in a very high fire hazard  
22 severity zone, including safe access for emergency response  
23 vehicles, visible street signs, and water supplies for structural fire  
24 suppression.

25 (iv) Working cooperatively with public agencies with  
26 responsibility for fire protection.

27 (D) If a city or county has adopted a fire safety plan or document  
28 separate from the general plan, an attachment of, or reference to,  
29 a city or county's adopted fire safety plan or document that fulfills  
30 commensurate goals and objectives and contains information  
31 required pursuant to this paragraph.

32 (4) Upon the next revision of a local hazard mitigation plan,  
33 adopted in accordance with the federal Disaster Mitigation Act of  
34 2000 (Public Law 106-390), on or after January 1, 2017, or, if a  
35 local jurisdiction has not adopted a local hazard mitigation plan,  
36 beginning on or before January 1, 2022, the safety element shall  
37 be reviewed and updated as necessary to address climate adaptation  
38 and resiliency strategies applicable to the city or county. This  
39 review shall consider advice provided in the Office of Planning

1 and Research's General Plan Guidelines and shall include all of  
2 the following:

3 (A) (i) A vulnerability assessment that identifies the risks that  
4 climate change poses to the local jurisdiction and the geographic  
5 areas at risk from climate change impacts, including, but not limited  
6 to, an assessment of how climate change may affect the risks  
7 addressed pursuant to paragraphs (2) and (3).

8 (ii) Information that may be available from federal, state,  
9 regional, and local agencies that will assist in developing the  
10 vulnerability assessment and the adaptation policies and strategies  
11 required pursuant to subparagraph (B), including, but not limited  
12 to, all of the following:

13 (I) Information from the Internet-based Cal-Adapt tool.

14 (II) Information from the most recent version of the California  
15 Adaptation Planning Guide.

16 (III) Information from local agencies on the types of assets,  
17 resources, and populations that will be sensitive to various climate  
18 change exposures.

19 (IV) Information from local agencies on their current ability to  
20 deal with the impacts of climate change.

21 (V) Historical data on natural events and hazards, including  
22 locally prepared maps of areas subject to previous risk, areas that  
23 are vulnerable, and sites that have been repeatedly damaged.

24 (VI) Existing and planned development in identified at-risk  
25 areas, including structures, roads, utilities, and essential public  
26 facilities.

27 (VII) Federal, state, regional, and local agencies with  
28 responsibility for the protection of public health and safety and  
29 the environment, including special districts and local offices of  
30 emergency services.

31 (B) A set of adaptation and resilience goals, policies, and  
32 objectives based on the information specified in subparagraph (A)  
33 for the protection of the community.

34 (C) A set of feasible implementation measures designed to carry  
35 out the goals, policies, and objectives identified pursuant to  
36 subparagraph (B) including, but not limited to, all of the following:

37 (i) Feasible methods to avoid or minimize climate change  
38 impacts associated with new uses of land.

39 (ii) The location, when feasible, of new essential public facilities  
40 outside of at-risk areas, including, but not limited to, hospitals and

1 health care facilities, emergency shelters, emergency command  
2 centers, and emergency communications facilities, or identifying  
3 construction methods or other methods to minimize damage if  
4 these facilities are located in at-risk areas.

5 (iii) The designation of adequate and feasible infrastructure  
6 located in an at-risk area.

7 (iv) Guidelines for working cooperatively with relevant local,  
8 regional, state, and federal agencies.

9 (v) The identification of natural infrastructure that may be used  
10 in adaptation projects, where feasible. Where feasible, the plan  
11 shall use existing natural features and ecosystem processes, or the  
12 restoration of natural features and ecosystem processes, when  
13 developing alternatives for consideration. For the purposes of this  
14 clause, “natural infrastructure” means the preservation or  
15 restoration of ecological systems, or utilization of engineered  
16 systems that use ecological processes, to increase resiliency to  
17 climate change, manage other environmental hazards, or both.  
18 This may include, but is not limited to, floodplain and wetlands  
19 restoration or preservation, combining levees with restored natural  
20 systems to reduce flood risk, and urban tree planting to mitigate  
21 high heat days.

22 (D) (i) If a city or county has adopted the local hazard  
23 mitigation plan, or other climate adaptation plan or document that  
24 fulfills commensurate goals and objectives and contains the  
25 information required pursuant to this paragraph, separate from the  
26 general plan, an attachment of, or reference to, the local hazard  
27 mitigation plan or other climate adaptation plan or document.

28 (ii) Cities or counties that have an adopted hazard mitigation  
29 plan, or other climate adaptation plan or document that substantially  
30 complies with this section, or have substantially equivalent  
31 provisions to this subdivision in their general plans, may use that  
32 information in the safety element to comply with this subdivision,  
33 and shall summarize and incorporate by reference into the safety  
34 element the other general plan provisions, climate adaptation plan  
35 or document, specifically showing how each requirement of this  
36 subdivision has been met.

37 (5) After the initial revision of the safety element pursuant to  
38 paragraphs (2) and (3), upon each revision of the housing element,  
39 the planning agency shall review and, if necessary, revise the safety  
40 element to identify new information *relating to flood and fire*

1 *hazards* that was not available during the previous revision of the  
2 safety element.

3 (6) Cities and counties that have flood plain management  
4 ordinances that have been approved by FEMA that substantially  
5 comply with this section, or have substantially equivalent  
6 provisions to this subdivision in their general plans, may use that  
7 information in the safety element to comply with this subdivision,  
8 and shall summarize and incorporate by reference into the safety  
9 element the other general plan provisions or the flood plain  
10 ordinance, specifically showing how each requirement of this  
11 subdivision has been met.

12 (7) Prior to the periodic review of its general plan and prior to  
13 preparing or revising its safety element, each city and county shall  
14 consult the California Geological Survey of the Department of  
15 Conservation, the Central Valley Flood Protection Board, if the  
16 city or county is located within the boundaries of the Sacramento  
17 and San Joaquin Drainage District, as set forth in Section 8501 of  
18 the Water Code, and the Office of Emergency Services for the  
19 purpose of including information known by and available to the  
20 department, the agency, and the board required by this subdivision.

21 (8) To the extent that a county's safety element is sufficiently  
22 detailed and contains appropriate policies and programs for  
23 adoption by a city, a city may adopt that portion of the county's  
24 safety element that pertains to the city's planning area in  
25 satisfaction of the requirement imposed by this subdivision.

26 SEC. 15. Section 67661 of the Government Code is amended  
27 to read:

28 67661. The following may serve as ex officio nonvoting  
29 members of the board:

30 (a) A representative appointed by the Monterey Peninsula  
31 Community College District.

32 (b) A representative appointed by the Monterey Peninsula  
33 Unified School District.

34 (c) A representative designated by the Member of Congress that  
35 has the majority portion of Ford Ord in his or her Congressional  
36 District.

37 (d) A representative designated by the Senator that has the  
38 majority portion of Ford Ord in his or her Senate District.

1 (e) A representative designated by the Assembly Member that  
2 has the majority portion of Ford Ord in his or her Assembly  
3 District.

4 (f) A representative designated by the United States Army.

5 (g) A representative designated by the Chancellor of the  
6 California State University.

7 (h) A representative designated by the President of the  
8 University of California.

9 (i) A representative designated by the Monterey County Water  
10 Resources Agency.

11 (j) A representative designated by the Transportation Agency  
12 of Monterey County.

13 SEC. 16. Section 5471 of the Health and Safety Code is  
14 amended to read:

15 5471. (a) In addition to the powers granted in the principal  
16 act, any entity shall have power, by an ordinance or resolution  
17 approved by a two-thirds vote of the members of the legislative  
18 body thereof, to prescribe, revise and collect, fees, tolls, rates,  
19 rentals, or other charges for services and facilities furnished by it,  
20 either within or without its territorial limits, in connection with its  
21 water, sanitation, storm drainage, or sewerage system.

22 (b) In addition to the powers granted in the principal act, any  
23 entity shall have power, pursuant to the notice, protest, and hearing  
24 procedures in Section 53753 of the Government Code, to prescribe,  
25 revise, and collect water, sewer, or water and sewer standby or  
26 immediate availability charges for services and facilities furnished  
27 by it, either within or without its territorial limits, in connection  
28 with its water, sanitation, storm drainage, or sewerage system.

29 (c) The entity may provide that the charge for the service shall  
30 be collected with the rates, tolls, and charges for any other utility,  
31 and that any or all of these charges may be billed upon the same  
32 bill. Where the charge is to be collected with the charges for any  
33 other utility service furnished by a department or agency of the  
34 entity and over which its legislative body does not exercise control,  
35 the consent of the department or agency shall be obtained prior to  
36 collecting water, sanitation, storm drainage, or sewerage charges  
37 with the charges for any other utility. Revenues derived under the  
38 provisions in this section, shall be used only for the acquisition,  
39 construction, reconstruction, maintenance, and operation of water  
40 systems and sanitation, storm drainage, or sewerage facilities, to

1 repay principal and interest on bonds issued for the construction  
2 or reconstruction of these water systems and sanitary, storm  
3 drainage, or sewerage facilities and to repay federal or state loans  
4 or advances made to the entity for the construction or  
5 reconstruction of water systems and sanitary, storm drainage, or  
6 sewerage facilities. However, the revenue shall not be used for the  
7 acquisition or construction of new local street sewers or laterals  
8 as distinguished from main trunk, interceptor, and outfall sewers.

9 (d) If the procedures set forth in this section as it read at the  
10 time a standby charge was established were followed, the entity  
11 may, by ordinance or resolution adopted by a two-thirds vote of  
12 the members of the legislative body thereof, continue the charge  
13 pursuant to this section in successive years at the same rate. If new,  
14 increased, or extended assessments are proposed, the entity shall  
15 comply with the notice, protest, and hearing procedures in Section  
16 53753 of the Government Code.

17 SEC. 17. Section 5473 of the Health and Safety Code is  
18 amended to read:

19 5473. Any entity which has adopted an ordinance or resolution  
20 pursuant to this article or an order pursuant to Section 6520.5 may,  
21 by such ordinance or resolution or by separate ordinances or  
22 resolutions approved by a two-thirds vote of the members of the  
23 legislative body thereof, elect to have such charges collected on  
24 the tax roll in the same manner, by the same persons, and at the  
25 same time as, together with and not separately from, its general  
26 taxes. In such event, it shall cause a written report to be prepared  
27 each year and filed with the clerk, which shall contain a description  
28 of each parcel of real property receiving such services and facilities  
29 and the amount of the charge for each parcel for the year, computed  
30 in conformity with the charges prescribed by the ordinance or  
31 resolution.

32 Any ordinance or resolution adopted pursuant to this section  
33 authorizing the collection of charges on the tax roll shall remain  
34 in effect for the time specified in the ordinance or resolution or, if  
35 no time is specified in the ordinance or resolution, until repealed  
36 or until a change is made in the rates charged by the entity.

37 The powers authorized by this section shall be alternative to all  
38 other powers of any entity, and alternative to other procedures  
39 adopted by the legislative body thereof for the collection of such  
40 charges.

1 The real property may be described by reference to maps  
2 prepared in accordance with Section 327 of the Revenue and  
3 Taxation Code, and on file in the office of the county assessor or  
4 by reference to plats or maps on file in the office of the clerk.

5 SEC. 18. Section 5474 of the Health and Safety Code is  
6 amended to read:

7 5474. An entity shall have the power by ordinance or resolution  
8 approved by two-thirds vote of the members of the legislative body  
9 thereof to fix fees or charges for the privilege of connecting to its  
10 sanitation or sewerage facilities and improvements constructed by  
11 the entity pursuant to Sections 5463 and 5464, to fix the time or  
12 times at which the fees or charges shall become due, to provide  
13 for the payment of the fees or charges prior to connection or in  
14 installments over a period of not to exceed 30 years, to provide  
15 the rate of interest, not to exceed 12 percent per annum, to be  
16 charged on the unpaid balance of the fees or charges, and to provide  
17 that the amount of the fees or charges and the interest thereon shall  
18 constitute a lien against the respective lots or parcels of land to  
19 which the facilities are connected at the time and in the manner  
20 specified in Sections 5473.5 and 5473.8. Prior to making the fees  
21 or charges a lien against the land, the legislative body shall give  
22 notice to the owners of the lots or parcels of land affected, and the  
23 notice shall set forth all of the following:

24 (a) The schedule of fees or charges to be imposed by the entity.

25 (b) A description of the property subject to the fees or charges,  
26 which description may be by reference to a plat or diagram on file  
27 in the office of the clerk of the legislative body, or to maps prepared  
28 in accordance with Section 327 of the Revenue and Taxation Code,  
29 and on file in the office of the county assessor.

30 (c) The time or times at which the fees or charges shall become  
31 due.

32 (d) The number of installments in which the fees or charges  
33 shall be payable.

34 (e) The rate of interest, not to exceed 12 percent per annum, to  
35 be charged on the unpaid balance of the fees or charges.

36 (f) That it is proposed that the fees or charges and interest  
37 thereon shall constitute a lien against the lots or parcels of land to  
38 which the facilities are furnished.

39 (g) The time and place at which the legislative body will hold  
40 a hearing at which persons may appear and present any and all

1 objections they may have to the imposition of the fees or charges  
2 as a lien against the land.

3 SEC. 19. Section 5474.8 of the Health and Safety Code is  
4 amended to read:

5 5474.8. Fees or charges imposed by an entity by ordinance or  
6 resolution adopted pursuant to Section 5474 may differ in amount  
7 or method of computation from fees or charges imposed by any  
8 other ordinance or resolution of such entity adopted pursuant to  
9 Section 5474.

10 SEC. 20. Section 13822 of the Health and Safety Code is  
11 amended to read:

12 13822. Once the chief petitioners have filed a sufficient petition  
13 or a legislative body has filed a resolution of application, the local  
14 agency formation commission shall proceed pursuant to Chapter  
15 5 (commencing with Section 56825) of Part 3 of Division 3 of  
16 Title 5 of the Government Code.

17 SEC. 21. Section 22161 of the Public Contract Code, as  
18 amended by Section 2 of Chapter 715 of the Statutes of 2015, is  
19 amended to read:

20 22161. For purposes of this chapter, the following definitions  
21 apply:

22 (a) “Best value” means a value determined by evaluation of  
23 objective criteria that relate to price, features, functions, life-cycle  
24 costs, experience, and past performance. A best value determination  
25 may involve the selection of the lowest cost proposal meeting the  
26 interests of the local agency and meeting the objectives of the  
27 project, selection of the best proposal for a stipulated sum  
28 established by the procuring agency, or a tradeoff between price  
29 and other specified factors.

30 (b) “Construction subcontract” means each subcontract awarded  
31 by the design-build entity to a subcontractor that will perform work  
32 or labor or render service to the design-build entity in or about the  
33 construction of the work or improvement, or a subcontractor  
34 licensed by the State of California that, under subcontract to the  
35 design-build entity, specially fabricates and installs a portion of  
36 the work or improvement according to detailed drawings contained  
37 in the plans and specifications produced by the design-build team.

38 (c) “Design-build” means a project delivery process in which  
39 both the design and construction of a project are procured from a  
40 single entity.

1 (d) “Design-build entity” means a corporation, limited liability  
2 company, partnership, joint venture, or other legal entity that is  
3 able to provide appropriately licensed contracting, architectural,  
4 and engineering services as needed pursuant to a design-build  
5 contract.

6 (e) “Design-build team” means the design-build entity itself  
7 and the individuals and other entities identified by the design-build  
8 entity as members of its team. Members shall include the general  
9 contractor and, if utilized in the design of the project, all electrical,  
10 mechanical, and plumbing contractors.

11 (f) “Local agency” means the following:

12 (1) A city, county, or city and county.

13 (2) A special district that operates wastewater facilities, solid  
14 waste management facilities, water recycling facilities, or fire  
15 protection facilities.

16 (3) Any transit district, included transit district, municipal  
17 operator, included municipal operator, any consolidated agency,  
18 as described in Section 132353.1 of the Public Utilities Code, any  
19 joint powers authority formed to provide transit service, any county  
20 transportation commission created pursuant to Section 130050 of  
21 the Public Utilities Code, or any other local or regional agency,  
22 responsible for the construction of transit projects.

23 (4) The San Diego Association of Governments, as referenced  
24 in the San Diego Regional Transportation Consolidation Act  
25 (Chapter 3 (commencing with Section 132350) of Division 12.7  
26 of the Public Utilities Code).

27 (g) (1) For a local agency defined in paragraph (1) of  
28 subdivision (f), “project” means the construction of a building or  
29 buildings and improvements directly related to the construction  
30 of a building or buildings, county sanitation wastewater treatment  
31 facilities, and park and recreational facilities, but does not include  
32 the construction of other infrastructure, including, but not limited  
33 to, streets and highways, public rail transit, or water resources  
34 facilities and infrastructure. For a local agency defined in paragraph  
35 (1) of subdivision (f) that operates wastewater facilities, solid waste  
36 management facilities, or water recycling facilities, “project” also  
37 means the construction of regional and local wastewater treatment  
38 facilities, regional and local solid waste facilities, or regional and  
39 local water recycling facilities.

(2) For a local agency defined in paragraph (2) of subdivision (f), “project” means the construction of regional and local wastewater treatment facilities, regional and local solid waste facilities, regional and local water recycling facilities, or fire protection facilities.

(3) For a local agency defined in paragraph (3) of subdivision (f), “project” means a transit capital project that begins a project solicitation on or after January 1, 2015. A “project,” as defined by this paragraph, that begins the solicitation process before January 1, 2015, is subject to Article 6.8 (commencing with Section 20209.5) of Chapter 1. “Project,” as defined by this paragraph, does not include state highway construction or local street and road projects.

(4) For a local agency defined in paragraph (4) of subdivision (f), “project” has the same meaning as in paragraph (3), and in addition shall include development projects adjacent, or physically or functionally related, to transit facilities developed or jointly developed by the local agency.

SEC. 22. Section 11005 of the Revenue and Taxation Code is amended to read:

11005. After payment of refunds therefrom and after making the deductions authorized by Section 11003 and reserving the amount determined necessary by the Pooled Money Investment Board to meet the transfers ordered or proposed to be ordered pursuant to Section 16310 of the Government Code, the balance of all motor vehicle license fees and any other money appropriated by law for expenditure pursuant to this section, deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund, and remaining unexpended in that account at the close of business on the last day of the calendar month, shall be allocated by the Controller by the 10th day of the following month in accordance with the following:

(a) On and after July 1, 2011, to the Local Law Enforcement Services Account in the Local Revenue Fund 2011, as established by Section 30025 of the Government Code, for allocation to cities, counties, and cities and counties.

(b) On or after July 1, 2004, but before July 1, 2011:

(1) First, to the County of Orange. For the 2004–05 fiscal year, that county shall be allocated fifty-four million dollars (\$54,000,000) in monthly installments. For the 2005–06 fiscal year

1 and each fiscal year thereafter, that county shall receive, in monthly  
2 installments, an amount equal to the amount allocated under this  
3 section for the prior fiscal year, adjusted for the percentage change  
4 in the amount of revenues credited to the Motor Vehicle License  
5 Fee Account in the Transportation Tax Fund from the revenues  
6 credited to that account in the prior fiscal year. Moneys allocated  
7 to the County of Orange under this subdivision shall be used first  
8 for the service of indebtedness as provided in paragraph (1) of  
9 subdivision (a) of Section 11001.5. Any amounts in excess of the  
10 amount required for this service of indebtedness may be used by  
11 that county for any lawful purpose.

12 (2) Second, to each city, the population of which is determined  
13 under Section 11005.3 on August 5, 2004, in an amount equal to  
14 the additional amount of vehicle license fee revenue, including  
15 offset transfers, that would be allocated to that city under Sections  
16 11000 and 11005, as those sections read on January 1, 2004, as a  
17 result of that city's population being determined under subdivision  
18 (a) or (b) of Section 11005.3.

19 (3) Third, to each city that was incorporated from an  
20 unincorporated territory after August 5, 2004, in an amount equal  
21 to the product of the following two amounts:

22 (A) The quotient derived from the following fraction:

23 (i) The numerator is the product of the following two amounts:

24 (I) Fifty dollars (\$50) per year.

25 (II) The fraction determined as the total amount of vehicle  
26 license fee revenue collected during the most recent fiscal year  
27 divided by the total amount of vehicle license fee revenue collected  
28 during the 2004–05 fiscal year.

29 (ii) The denominator is the fraction determined as the actual  
30 population, as defined in subdivision (d) of Section 11005.3, of  
31 all cities during the most recent fiscal year, divided by the actual  
32 population, as defined in subdivision (d) of Section 11005.3, of  
33 all cities in the 2004–05 fiscal year.

34 (B) The city's population determined in accordance with Section  
35 11005.3.

36 (4) Fourth, to each city that was incorporated before August 5,  
37 2004, in an amount equal to the product of the following two  
38 amounts:

39 (A) The quotient derived from the following fraction:

40 (i) The numerator is the product of the following two amounts:

1 (I) Fifty dollars (\$50) per year.

2 (II) The fraction determined as the total amount of vehicle  
3 license fee revenue collected during the most recent fiscal year  
4 divided by the total amount of vehicle license fee revenue collected  
5 during the 2004–05 fiscal year.

6 (ii) The denominator is the fraction determined as the actual  
7 population, as defined in subdivision (d) of Section 11005.3, of  
8 all cities during the most recent fiscal year, divided by the actual  
9 population, as defined in subdivision (d) of Section 11005.3, of  
10 all cities in the 2004–05 fiscal year.

11 (B) The actual population, as defined in subdivision (d) of  
12 Section 11005.3, residing in areas annexed after August 5, 2004,  
13 as of the date of annexation.

14 (5) Fifth, to the cities and cities and counties of this state in the  
15 proportion that the population of each city or city and county bears  
16 to the total population of all cities and cities and counties in this  
17 state, as determined by the Demographic Research Unit of the  
18 Department of Finance. For the purpose of this subdivision, the  
19 population of each city or city and county shall be determined in  
20 accordance with Section 11005.3.

21 SEC. 23. Section 11005.3 of the Revenue and Taxation Code  
22 is amended to read:

23 11005.3. (a) In the case of a city that incorporated on or after  
24 January 1, 1987, and before August 5, 2004, the Controller shall  
25 determine that the population of the city for its first 10 full fiscal  
26 years, and any portion of the first year in which the incorporation  
27 is effective if less than a full fiscal year, is the greater of either:

28 (1) The number of registered voters in the city multiplied by  
29 three. The number of registered voters shall be calculated as of the  
30 effective date of the incorporation of the city.

31 (2) The actual population, as defined in subdivision (d).

32 (b) In the case of a city that incorporated on or after January 1,  
33 1987, and before August 5, 2004, and for which the application  
34 for incorporation was filed with the executive officer of the local  
35 agency formation commission pursuant to subdivision (a) of  
36 Section 56828 of the Government Code on or after January 1,  
37 1991, the Controller shall determine that the population of the city  
38 for its first seven full fiscal years, and any portion of the first year  
39 in which the incorporation is effective if less than a full fiscal year,  
40 is the greater of either:

1 (1) The number of registered voters in the city multiplied by  
2 three. The number of registered voters shall be calculated as of the  
3 effective date of the incorporation of the city.

4 (2) The actual population, as defined in subdivision (d).

5 (c) In the case of a city that was incorporated from  
6 unincorporated territory after August 5, 2004, the Controller shall  
7 determine the population of the city as follows:

8 (1) For its first 12 months, 150 percent of the city's actual  
9 population.

10 (2) For its 13th through 24th months, 140 percent of the city's  
11 actual population.

12 (3) For its 25th through 36th months, 130 percent of the city's  
13 actual population.

14 (4) For its 37th through 48th months, 120 percent of the city's  
15 actual population.

16 (5) For its 49th through 60th months, 110 percent of the city's  
17 actual population.

18 (6) After its 60th month, the city's actual population.

19 (d) For purposes of this section, "actual population" means the  
20 population determined by the last federal decennial or special  
21 census, or a subsequent census validated by the Demographic  
22 Research Unit of the Department of Finance or subsequent estimate  
23 prepared pursuant to Section 2107.2 of the Streets and Highways  
24 Code.

25 (e) In the case of unincorporated territory being annexed to a  
26 city, during the 10-year, 7-year, or 5-year period following  
27 incorporation, as the case may be, subsequent to the last federal  
28 census, or a subsequent census validated by the Demographic  
29 Research Unit of the Department of Finance, the unit shall  
30 determine the population of the annexed territory by the use of  
31 any federal decennial or special census or any estimate prepared  
32 pursuant to Section 2107.2 of the Streets and Highways Code. The  
33 population of the annexed territory as determined by the  
34 Demographic Research Unit shall be added to the city's population  
35 as previously determined by the Controller pursuant to paragraph  
36 (1) or (2) of subdivision (a), paragraph (1) or (2) of subdivision  
37 (b), or subdivision (c), as applicable.

38 (f) After the 10-year, 7-year, or 5-year period following  
39 incorporation, as the case may be, the Controller shall determine

1 the population of the city as the city's actual population, as defined  
2 in subdivision (d).

3 (g) The amendments made to this section by the act adding this  
4 subdivision shall not apply with respect to either of the following:

5 (1) Any city that has adopted an ordinance or resolution,  
6 approved a ballot measure, or is subject to a consent decree or  
7 court order, that annually limits the number of housing units that  
8 may be constructed within the city.

9 (2) Any city that has not prepared and adopted a housing element  
10 in compliance with Section 65585 of the Government Code.

11 (h) This section shall become operative July 1, 1991.

12 SEC. 24. Section 19201 of the Revenue and Taxation Code is  
13 amended to read:

14 19201. If any amount due under Part 10 (commencing with  
15 Section 17001), Part 11 (commencing with Section 23001), or any  
16 amount that may be collected by the Franchise Tax Board as though  
17 it were a tax, is not paid, the Franchise Tax Board may file in the  
18 Office of the Clerk of the Court of Sacramento County, or any  
19 other county, a certificate specifying the amount due, the name  
20 and last known address of the taxpayer liable for the amount due,  
21 and the fact that the Franchise Tax Board has complied with all  
22 provisions of the law in the computation and levy of the amount  
23 due, and a request that judgment be entered against the taxpayer  
24 in the amount set forth in the certificate.

25 SEC. 25. Section 19202 of the Revenue and Taxation Code is  
26 amended to read:

27 19202. The clerk of the court immediately upon the filing of  
28 the certificate shall enter a judgment for the people of the State of  
29 California against the taxpayer in the amount set forth in the  
30 certificate. The clerk of the court may file the judgment in a  
31 loose-leaf book entitled "Personal Income Tax Judgments" or  
32 "Bank and Corporation Tax Judgments," as appropriate.

33 SEC. 26. Section 2105 of the Streets and Highways Code is  
34 amended to read:

35 2105. Notwithstanding Section 13340 of the Government Code,  
36 in addition to the apportionments prescribed by Sections 2104,  
37 2106, and 2107, from the revenues derived from a per gallon tax  
38 imposed pursuant to Section 7360 of the Revenue and Taxation  
39 Code, and a per gallon tax imposed pursuant to Sections 8651,  
40 8651.5, and 8651.6 of the Revenue and Taxation Code, and a per

1 gallon tax imposed pursuant to Sections 60050 and 60115 of the  
2 Revenue and Taxation Code, the following apportionments shall  
3 be made:

4 (a) A sum equal to 1.035 cents (\$0.01035) per gallon from the  
5 tax under Section 7360 of the Revenue and Taxation Code, 11.5  
6 percent of any per gallon tax in excess of nine cents (\$0.09) per  
7 gallon under Sections 8651, 8651.5, and 8651.6 of the Revenue  
8 and Taxation Code, and 1.035 cents (\$0.01035) per gallon from  
9 the tax under Sections 60050 and 60115 of the Revenue and  
10 Taxation Code, shall be apportioned among the counties, including  
11 a city and county.

12 The amount of apportionment to each county, including a city  
13 and county, during a fiscal year shall be calculated as follows:

14 (1) One million dollars (\$1,000,000) for apportionment to all  
15 counties, including a city and county, in proportion to each county's  
16 receipts during the prior fiscal year under Sections 2104 and 2106.

17 (2) One million dollars (\$1,000,000) for apportionment to all  
18 counties, including a city and county, as follows:

19 (A) Seventy-five percent in the proportion that the number of  
20 fee-paid and exempt vehicles which are registered in the county  
21 bears to the number of fee-paid and exempt vehicles registered in  
22 the state.

23 (B) Twenty-five percent in the proportion that the number of  
24 miles of maintained county roads in the county bears to the miles  
25 of maintained county roads in the state.

26 (3) For each county, determine its factor which is the higher  
27 amount calculated pursuant to paragraph (1) or (2) divided by the  
28 sum of the higher amounts for all of the counties.

29 (4) The amount to be apportioned to each county is equal to its  
30 factor multiplied by the amount available for apportionment.

31 (b) A sum equal to 1.035 cents (\$0.01035) per gallon from the  
32 tax under Section 7360 of the Revenue and Taxation Code, 11.5  
33 percent of any per gallon tax in excess of nine cents (\$0.09) per  
34 gallon under Sections 8651, 8651.5, and 8651.6 of the Revenue  
35 and Taxation Code, and 1.035 cents (\$0.01035) per gallon from  
36 the tax under Sections 60050 and 60115 of the Revenue and  
37 Taxation Code, shall be apportioned to cities, including a city and  
38 county, in the proportion that the total population of the city bears  
39 to the total population of all the cities in the state.

1 (c) (1) Transfers of revenues from the Highway Users Tax  
2 Account to counties or cities pursuant to this section collected  
3 during the months of March, April, May, June, and July of 2008,  
4 shall be made with the transfer of August 2008 revenues in  
5 September of 2008. This suspension shall not apply to a county  
6 with a population of less than 40,000.

7 (2) For the purpose of meeting the cash obligations associated  
8 with ongoing budgeted costs, a city or county may make use of  
9 any cash balance in the city account that is designated for the  
10 receipt of state funds allocated for local streets and roads or the  
11 county road fund, including that resulting from the receipt of funds  
12 pursuant to the Highway Safety, Traffic Reduction, Air Quality,  
13 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing  
14 with Section 8879.20) of Division 1 of Title 2 of the Government  
15 Code (hereafter bond act)) for local streets and roads maintenance,  
16 during the period of this suspension, without the use of this cash  
17 being reflected as an expenditure of bond act funds, provided the  
18 cash is replaced once this suspension is repaid in September of  
19 2008. Counties and cities may accrue the revenue received in  
20 September 2008 as repayment of these suspensions for the months  
21 of April, May, and June of 2008 back to the 2007–08 fiscal year.  
22 Nothing in this paragraph shall change the fact that expenditures  
23 must be accrued and reflected from the appropriate funding sources  
24 for which the moneys were received and meet all the requirements  
25 of those funding sources.

26 (d) (1) The transfer of revenues from the Highway Users Tax  
27 Account to counties or cities pursuant to this section collected  
28 during the months of January, February, and March 2009 shall be  
29 made with the transfer of April 2009 revenues in May 2009.

30 (2) For the purpose of meeting the cash obligations associated  
31 with ongoing budgeted costs, a city or county may make use of  
32 any cash balance in the city account that is designated for the  
33 receipt of state funds allocated for local streets and roads or the  
34 county road fund, including that resulting from the receipt of funds  
35 pursuant to the Highway Safety, Traffic Reduction, Air Quality,  
36 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing  
37 with Section 8879.20) of Division 1 of Title 2 of the Government  
38 Code (bond act)) for local streets and roads maintenance, during  
39 the period of this suspension, and the use of this cash shall not be  
40 considered as an expenditure of bond act funds, if the cash is

1 replaced when the payments that are suspended pursuant to this  
2 subdivision are repaid in May 2009.

3 (3) This subdivision shall not affect any requirement that an  
4 expenditure is required to be accrued and reflected from the  
5 appropriate funding source for which the money was received and  
6 to meet all the requirements of its funding source.

7 SEC. 27. Section 36601 of the Streets and Highways Code is  
8 amended to read:

9 36601. The Legislature finds and declares all of the following:

10 (a) Businesses located and operating within business districts  
11 in some of this state's communities are economically  
12 disadvantaged, are underutilized, and are unable to attract  
13 customers due to inadequate facilities, services, and activities in  
14 the business districts.

15 (b) It is in the public interest to promote the economic  
16 revitalization and physical maintenance of business districts in  
17 order to create jobs, attract new businesses, and prevent the erosion  
18 of the business districts.

19 (c) It is of particular local benefit to allow business districts to  
20 fund business related improvements, maintenance, and activities  
21 through the levy of assessments upon the businesses or real  
22 property that receive benefits from those improvements.

23 (d) Assessments levied for the purpose of conferring special  
24 benefit upon the real property or a specific benefit upon the  
25 businesses in a business district are not taxes for the general benefit  
26 of a city, even if property, businesses, or persons not assessed  
27 receive incidental or collateral effects that benefit them.

28 (e) Property and business improvement districts formed  
29 throughout this state have conferred special benefits upon  
30 properties and businesses within their districts and have made  
31 those properties and businesses more useful by providing the  
32 following benefits:

33 (1) Crime reduction. A study by the Rand Corporation has  
34 confirmed a 12-percent reduction in the incidence of robbery and  
35 an 8-percent reduction in the total incidence of violent crimes  
36 within the 30 districts studied.

37 (2) Job creation.

38 (3) Business attraction.

39 (4) Business retention.

40 (5) Economic growth.

1 (6) New investments.

2 (f) With the dissolution of redevelopment agencies throughout  
3 the state, property and business improvement districts have become  
4 even more important tools with which communities can combat  
5 blight, promote economic opportunities, and create a clean and  
6 safe environment.

7 (g) Since the enactment of this act, the people of California have  
8 adopted Proposition 218, which added Article XIII D to the  
9 Constitution in order to place certain requirements and restrictions  
10 on the formation of, and activities, expenditures, and assessments  
11 by property-based districts. Article XIII D of the Constitution  
12 provides that property-based districts may only levy assessments  
13 for special benefits.

14 (h) The act amending this section is intended to provide the  
15 Legislature's guidance with regard to this act, its interaction with  
16 the provisions of Article XIII D of the Constitution, and the  
17 determination of special benefits in property-based districts.

18 (1) The lack of legislative guidance has resulted in uncertainty  
19 and inconsistent application of this act, which discourages the use  
20 of assessments to fund needed improvements, maintenance, and  
21 activities in property-based districts, contributing to blight and  
22 other underutilization of property.

23 (2) Activities undertaken for the purpose of conferring special  
24 benefits upon property to be assessed inherently produce incidental  
25 or collateral effects that benefit property or persons not assessed.  
26 Therefore, for special benefits to exist as a separate and distinct  
27 category from general benefits, the incidental or collateral effects  
28 of those special benefits are inherently part of those special  
29 benefits. The mere fact that special benefits produce incidental or  
30 collateral effects that benefit property or persons not assessed does  
31 not convert any portion of those special benefits or their incidental  
32 or collateral effects into general benefits.

33 (3) It is of the utmost importance that property-based districts  
34 created under this act have clarity regarding restrictions on  
35 assessments they may levy and the proper determination of special  
36 benefits. Legislative clarity with regard to this act will provide  
37 districts with clear instructions and courts with legislative intent  
38 regarding restrictions on property-based assessments, and the  
39 manner in which special benefits should be determined.

1 SEC. 28. Section 36606 of the Streets and Highways Code is  
2 amended to read:

3 36606. “Activities” means, but is not limited to, all of the  
4 following that benefit businesses or real property in the district:

- 5 (a) Promotion of public events.
- 6 (b) Furnishing of music in any public place.
- 7 (c) Promotion of tourism within the district.
- 8 (d) Marketing and economic development, including retail  
9 retention and recruitment.
- 10 (e) Providing security, sanitation, graffiti removal, street and  
11 sidewalk cleaning, and other municipal services supplemental to  
12 those normally provided by the municipality.

13 (f) Other services provided for the purpose of conferring special  
14 benefit upon assessed real property or specific benefits upon  
15 assessed businesses located in the district.

16 SEC. 29. Section 36610 of the Streets and Highways Code is  
17 amended to read:

18 36610. “Improvement” means the acquisition, construction,  
19 installation, or maintenance of any tangible property with an  
20 estimated useful life of five years or more including, but not limited  
21 to, the following:

- 22 (a) Parking facilities.
- 23 (b) Benches, booths, kiosks, display cases, pedestrian shelters  
24 and signs.
- 25 (c) Trash receptacles and public restrooms.
- 26 (d) Lighting and heating facilities.
- 27 (e) Decorations.
- 28 (f) Parks.
- 29 (g) Fountains.
- 30 (h) Planting areas.
- 31 (i) Closing, opening, widening, or narrowing of existing streets.
- 32 (j) Facilities or equipment, or both, to enhance security of  
33 persons and property within the district.
- 34 (k) Ramps, sidewalks, plazas, and pedestrian malls.
- 35 (l) Rehabilitation or removal of existing structures.

36 SEC. 30. Section 36625 of the Streets and Highways Code is  
37 amended to read:

38 36625. (a) If the city council, following the public hearing,  
39 decides to establish a proposed property and business improvement

1 district, the city council shall adopt a resolution of formation that  
2 shall include, but is not limited to, all of the following:

3 (1) A brief description of the proposed improvements,  
4 maintenance, and activities, the amount of the proposed assessment,  
5 a statement as to whether the assessment will be levied on property,  
6 businesses, or both within the district, a statement on whether  
7 bonds will be issued, and a description of the exterior boundaries  
8 of the proposed district, which may be made by reference to any  
9 plan or map that is on file with the clerk. The descriptions and  
10 statements need not be detailed and shall be sufficient if they enable  
11 an owner to generally identify the nature and extent of the  
12 improvements, maintenance, and activities and the location and  
13 extent of the proposed district.

14 (2) The number, date of adoption, and title of the resolution of  
15 intention.

16 (3) The time and place where the public hearing was held  
17 concerning the establishment of the district.

18 (4) A determination regarding any protests received. The city  
19 shall not establish the district or levy assessments if a majority  
20 protest was received.

21 (5) A statement that the properties, businesses, or properties  
22 and businesses in the district established by the resolution shall be  
23 subject to any amendments to this part.

24 (6) A statement that the improvements, maintenance, and  
25 activities to be conferred on businesses and properties in the district  
26 will be funded by the levy of the assessments. The revenue from  
27 the levy of assessments within a district shall not be used to provide  
28 improvements, maintenance, or activities outside the district or  
29 for any purpose other than the purposes specified in the resolution  
30 of intention, as modified by the city council at the hearing  
31 concerning establishment of the district. Notwithstanding the  
32 foregoing, improvements and activities that must be provided  
33 outside the district boundaries to create a special or specific benefit  
34 to the assessed parcels or businesses may be provided, but shall  
35 be limited to marketing or signage pointing to the district.

36 (7) A finding that the property or businesses within the area of  
37 the property and business improvement district will be benefited  
38 by the improvements, maintenance, and activities funded by the  
39 proposed assessments, and, for a property-based district, that  
40 property within the district will receive a special benefit.

1 (8) In a property-based district, the total amount of all special  
2 benefits to be conferred on the properties within the property-based  
3 district.

4 (b) The adoption of the resolution of formation and, if required,  
5 recordation of the notice and map pursuant to Section 36627 shall  
6 constitute the levy of an assessment in each of the fiscal years  
7 referred to in the management district plan.

8 SEC. 31. Section 36670 of the Streets and Highways Code is  
9 amended to read:

10 36670. (a) Any district established or extended pursuant to  
11 the provisions of this part, where there is no indebtedness,  
12 outstanding and unpaid, incurred to accomplish any of the purposes  
13 of the district, may be disestablished by resolution by the city  
14 council in either of the following circumstances:

15 (1) If the city council finds there has been misappropriation of  
16 funds, malfeasance, or a violation of law in connection with the  
17 management of the district, it shall notice a hearing on  
18 disestablishment.

19 (2) During the operation of the district, there shall be a 30-day  
20 period each year in which assessees may request disestablishment  
21 of the district. The first such period shall begin one year after the  
22 date of establishment of the district and shall continue for 30 days.  
23 The next such 30-day period shall begin two years after the date  
24 of the establishment of the district. Each successive year of  
25 operation of the district shall have such a 30-day period. Upon the  
26 written petition of the owners or authorized representatives of real  
27 property or the owners or authorized representatives of businesses  
28 in the district who pay 50 percent or more of the assessments  
29 levied, the city council shall pass a resolution of intention to  
30 disestablish the district. The city council shall notice a hearing on  
31 disestablishment.

32 (b) The city council shall adopt a resolution of intention to  
33 disestablish the district prior to the public hearing required by this  
34 section. The resolution shall state the reason for the  
35 disestablishment, shall state the time and place of the public  
36 hearing, and shall contain a proposal to dispose of any assets  
37 acquired with the revenues of the assessments levied within the  
38 property and business improvement district. The notice of the  
39 hearing on disestablishment required by this section shall be given  
40 by mail to the property owner of each parcel or to the owner of

1 each business subject to assessment in the district, as appropriate.  
2 The city shall conduct the public hearing not less than 30 days  
3 after mailing the notice to the property or business owners. The  
4 public hearing shall be held not more than 60 days after the  
5 adoption of the resolution of intention.

6 SEC. 32. Section 7.3 of the Kern County Water Agency Act  
7 (Chapter 1003 of the Statutes of 1961), as amended by Section 2  
8 of Chapter 832 of the Statutes of 1972, is repealed.

9 SEC. 33. Section 7.6 of the Kern County Water Agency Act  
10 (Chapter 1003 of the Statutes of 1961), as added by Section 2 of  
11 Chapter 49 of the Statutes of 1982, is amended to read:

12 ~~Sec. 7.6.~~

13 *Sec. 7.6.* (a) The board of directors shall not approve an agency  
14 budget unless the board has first conducted a public hearing.

15 (b) The board shall publish a notice of the hearing pursuant to  
16 Section 6066 of the Government Code.

17 SEC. 34. Section 8 of the Kern County Water Agency Act  
18 (Chapter 1003 of the Statutes of 1961) is repealed.

19 SEC. 35. If the Commission on State Mandates determines  
20 that this act contains costs mandated by the state, reimbursement  
21 to local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code.